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Forty-second session
3 February - 14 March 1986
Item 15 of the provisional agenda

Human Rights and Scientific and Technological Developments

Report of the Secretary-General

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1. In its resolution 1984/27 of 12 March 1984, the Commission on Human Rights requested the Secretary-General to submit an updated report to the Commission at its forty-second session, from 3 February to 14 March 1986, taking into account further comments provided by States, relevant international organizations and other sources. An earlier report had been submitted in 1984 under Commission on Human Rights resolution 1983/41 (E/CN.4/1984/33 and Add.1 and 2).
2. Consequently, a note verbale by the Secretary-General and a letter by the Assistant Secretary-General for Human Rights were sent to those Member States, specialized agencies and other organizations of the United Nations system, intergovernmental and non-governmental organizations that had not responded to the previous requests addressed to them.
3. As at 15 November 1985, replies had been received from the Governments of Burundi and the Federal Republic of Germany. Replies had also been received from the following United Nations bodies, specialized agencies, intergovernmental organizations, and non-governmental organizations. Economic and Social Commission for Asia and the Pacific; International Labour Office; World Bank; International Fund for Agricultural Development; Organization of American States; Bahá'í International Community; Commission to Study the Organization of Peace; Friends World Committee for Consultation; International Confederation of Free Trade Unions; Inter-Parliamentary Union and Medical Women's International Association.

4. The summary of replies received will be found in sections I-V of the report. 1/

1/ The full text of all replies received is available for consultation in the files of the United Nations Secretariat.

I. Replies from Member States of the United Nations

Burundi

[Original: French]

[1 August 1984]

The Government of Burundi believes that scientific and technological developments should serve to improve the living conditions of peoples and nations. Through modern technology, the effective and adequate dissemination of information on human rights and the participation of the people as a whole in political, economic, cultural and social life are possible and in the interest of mankind.

Scientific and technological developments can also make it possible to improve administrative, legal, legislative and other institutions which are designed to promote human rights and medical services for all population sectors, to eliminate illiteracy and to promote education at all levels without segregation of any kind.

The technologically advanced countries must make every effort to bridge the widening gap between the economically developed and developing countries.

An attitude of caution should, however, be maintained towards scientific developments, which may jeopardize individual rights and freedoms. In the opinion of our Government, scientific and technological developments should not be utilized to accelerate the arms race, to repress peoples and their liberation movements or, in general, to create social problems.

Germany, Federal Republic of

[Original: English]

[29 January 1985]

Over the past and in the present scientific and technological developments have greatly contributed to the realization of human rights - political and civil rights as well as economic, social and cultural rights. It has at the same time, however, become ever more important to counter possible detrimental effects of scientific and technological developments.

At the national level the Federal Republic of Germany seeks to protect the individual human being with all available means against the harmful effects of scientific and technological developments. This holds, for example, for the protection of privacy, the protection of the individual against misuse of personal data, or the protection of the individual against misapplication of the most recent scientific and technological achievements in the areas of biology, medicine and biochemistry.

At the international level as well, the Federal Government does whatever is in its power to contribute to the prevention of harmful effects of scientific and technological developments. Within the framework of the United Nations this can be illustrated by the initiatives of the Federal Republic in the Economic Commission for Europe (in the area of environmental protection) and at the Conference on Disarmament (in the areas of arms control and disarmament).

In view of its already overloaded agenda the Commission on Human Rights, in dealing with the agenda item "Human Rights and Scientific and Technological Developments", should avoid duplicating the work done in other United Nations bodies. The Commission should instead concentrate on those areas in which it can make a contribution of its own for the promotion of human rights by way of, and the protection of human rights against science and technology. Positive steps in this direction have been taken by the Sub-Commission on Prevention of Discrimination and Protection of Minorities, for example, in the work being done in the field of data protection.

II. Replies from organs of the United Nations system

World Food Programme

[Original: English]

[11 July 1984]

World Food Programme stated that it had no comment to offer or any information to provide on the subject.

III. Replies from Specialized agencies

International Labour Office

[Original: French]

[8 August 1984]

All necessary indications on recent ILO activities in this area are to be found in the book entitled "Facing the technological challenge" (ILO, Geneva, 1985). ^{2/}

The ILO draws particular attention to the reports prepared for the first session (Geneva, 15-19 April 1985) of the Advisory Committee on Technology (report I: Technologies which are appropriate for meeting social objectives of developing countries; report II: The socio-economic impact of new technologies; report III: Blending of new technologies with traditional activities) and for the Meeting of Experts on the Implications of New Technologies for Work Organization and Occupational Safety and Health in Industrialized Countries (Geneva, 25-29 March 1985). The conclusions and recommendations of these two meetings are summarized in the above-mentioned book.

^{2/} A copy of this publication is available for consultation in the files of the United Nations Secretariat at Geneva.

International Fund for Agricultural Development

[Original: English]

[8 November 1984]

IFAD's activities are directed exclusively towards assisting the most disadvantaged groups in many members developing countries, namely, the small farmers, the landless workers, the small artisans, the poor fishermen and the like who constitute the Fund's target group.

IFAD has recognized that only the increase in food production in developing countries can provide a fundamental and permanent solution to the food and nutrition problems of developing countries.

IFAD has also recognized the need to support agronomic and socio-economic research to provide new technological bases for increasing the productivity of agricultural resources. Accordingly, the Fund's Lending Policies and Criteria have emphasized the need to focus on research that leads to new production parameters in favour of the small farmers and the landless in the developing world.

The experience gained so far from IFAD's operation indicates clearly that the productivity of small farmers can be increased substantially if they are provided with adequate means of production and other services including appropriate technology and the results of relevant scientific research. With increasing food production, the disadvantaged acquire the power to assert their human rights to food and to a relatively more decent standard of living. IFAD has been able to organize the rural poor into functional groups, provide them with the necessary technical package and input supply mechanisms and marketing research support. Putting to use the technological and scientific results of research for the benefit of the disadvantaged would contribute not only to peace and security but also to the establishment of a new international economic order. It is our hope that IFAD's efforts and activities will not only satisfy the immediate need of this group of people and reduce their dependencies, but will also hasten as well the attainment of self-sufficiency in food through the application of the principle of self-reliant development. The only permanent solution to the problem of hunger and malnutrition lies in teaching farmers how to explore and employ their full potential to satisfy their basic needs.

In many instances, increasing food production for the target group through, inter alia, the provision of appropriate technology, requires structural reforms covering the political, economic and social aspects prevailing in a certain area in addition to investment in selected fields. This is essential if we want to reap the maximum benefit from investment projects and modern technology and research. The small farmers and the landless must be freed from discrimination and deprivation if we want them to realise their full potential. The structural-reform process is slow and thorny and requires the concerted efforts of all concerned. Through its projects, IFAD has been able to assist participating Governments to change, modify or adjust policies and institutions in order to ensure that the benefits flowing from the project are largely received by the poor. For example, in some cases it has been stipulated that new improved land in irrigation and land reclamation projects will be made available to the small farmers or landless agricultural labourers. In others, traditional cost-sharing arrangements between landlords and tenants regarding payment for inputs or facilities being provided through the project would be revised so as to benefit the poor.

In order to assist the rural poor to assert their rights and hold the reins of their own destiny, IFAD places great emphasis on the involvement and effective participation of the rural poor which is fundamental to the evolution and success of poor-oriented agricultural and rural development. The rural poor should determine for themselves the most appropriate use of the means of production put at their disposal including technology and the result of relevant research. Effective participation implies active involvement in decision-making regarding project identification, formulation, implementation, monitoring and evaluation and, above all, benefit-sharing. In IFAD, people's participation is viewed as an essential instrument of development and, hence, as an important criterion for assessing the impact and benefits of a development project or programme. It goes without saying that women constitute a large segment of the poor and underprivileged group in most rural societies. As such, IFAD seeks in the projects which it finances to provide support for the involvement of women in development. One central element of the Fund's efforts is to make the poor self-reliant in order that they can carry on and improve upon the project-initiated activities by themselves, once external aid comes to an end.

The World Bank

[Original: English]

[10 July 1984]

The World Bank stated that all technical and financial assistance from the World Bank to its member countries was provided with the sole purpose of improving the economic well-being of peoples in those countries.

IV. Replies from the regional commissions

Economic and Social Commission for Asia and the Pacific

[Original: English]

[22 January 1985]

ESCAP attaches the utmost importance to the fulfilment of the United Nations mandate on human rights and has sought to contribute towards such fulfilment through its multisectoral development efforts. With specific reference to "Human Rights and science and technology", ESCAP is firmly committed to the notion that the judicious application of science and technology is a key not only to socio-economic development but to the promotion of human rights and realization of the fundamental freedoms of all people, particularly with reference to the rights to development as defined in the Universal Declaration on Human Rights, the Declaration on Social Progress and Development, the Convention on the Elimination of All Forms of Discrimination against Women, and other pertinent instruments. This position on the part of ESCAP has been made explicit in the adoption of the ESCAP Plan of Action on Technology for Development (E/ESCAP/399) by the Commission at its fortieth session held in April 1984. To serve as a guideline for comprehensive national, subregional and regional follow-up activities, the Plan of Action embodies the region's determination to bring about, through the application of technology, a socio-economic transformation encompassing, inter alia, industrial modernization,

infrastructural reform in both economic and socio-cultural terms, the upgrading of the quality of human resources and, most importantly, the eradication of mass poverty. In a region such as ESCAP, where abuse and violation of human rights occur often because of dire economic conditions, lack of socio-economic opportunities and the resources with which to take advantage of such opportunities where they exist, and other social ills associated with underdevelopment, utilization of technology to combat such conditions of underdevelopment must be regarded as a potent strategy with direct bearing on the cause of human rights and fundamental freedoms.

V. Replies from intergovernmental organizations

Organization of American States

[Original: English]

[22 January 1985]

The OAS stated that OAS Human Rights Commission had not prepared any studies on the subject in question: the most effective ways and means of using the results of scientific and technological developments for the promotion and realization of human rights and fundamental freedoms.

VI. Replies from non-governmental organizations

Bahá'i International Community

[Original: English]

[30 January 1985]

In order for science and technology to play its potentially significant role in the full realization of human rights, its results must be used to advance the material and spiritual well-being of humanity and it must be motivated, supported and inspired by spiritual values and a universal recognition of the organic oneness of mankind.

The results of scientific progress should be used to promote the full material and spiritual development of mankind. In the Bahá'i view, the fundamental goal of science must be the improvement of the material, economic, moral and spiritual life of mankind. Thus, scientific efforts must be consecrated to such ends as the extermination of disease, the raising of the standard of physical health and the eradication of poverty. In particular, the results of scientific progress should be used to facilitate the unification of all the peoples of the world. In this respect, scientific progress must be used to promote such advances as the enhancement of world inter-communication, the evolution of auxiliary world language and the organization, full development and equitable distribution of the economic resources of the world.

Science will be used to promote human rights only when it has a spiritual foundation. Science cannot improve the spiritual life of mankind unless it is motivated by spiritual values and supported by a recognition of the fundamental oneness of mankind. At the primary level of the individual, the instilling in individual scientists of an awareness of the organic unity of humanity and of the necessity to direct scientific progress towards the improvement of human life can be a most effective way of enhancing the contribution of science to fundamental human rights and freedoms. Likewise, at the level of society as a whole, the

development of a world united politically, socially and economically, yet encouraging the diversity of thought, habits and cultures that so enriches the whole of humanity, will encourage and foster scientific efforts in all countries aimed at the promotion of human rights.

If scientific progress is to be used to advance human rights, it must be on the basis of the religious values brought by the founders of the world's revealed religions. Religion and science, "the most potent forces in human life," must be brought into unity. It is the Bahá'í conviction that only when scientific progress is balanced with spiritual advancement will scientific and technological developments be devoted fully and exclusively to promoting the human rights and ensuring the economic, social, cultural and spiritual well-being of the entire human race.

Commission to Study the Organization of Peace

[Original: English]

[27 July 1984]

The Commission to Study the Organization of Peace informed the Secretary-General that it had been for a long time concerned about the subject of "Human rights and scientific and technological development". The position taken by the Commission toward this problem could be found in its 1967 report. ^{3/}

Recent developments in biochemistry have brought the matter again to public attention, and in this connection the Commission hopes that the United Nations will carefully consider how human rights should be protected against technological encroachments.

Friends World Committee for Consultation

[Original: English]

[27 July 1984]

The Friends World Committee for Consultation stated that it would have some concern about this subject and that it would like to reserve the right to make some response at a later stage.

International Confederation of Free Trade Unions

[Original: English]

[29 October 1985]

ICFTU stated that it shared the concerns expressed by the Commission on Human Rights in its resolution 1984/27 and 1984/28 and that the 1984 World Economic Review of the ICFTU at the thirteenth ICFTU World Congress Statement on Peace, Security and Disarmament ^{4/} fully documents the ICFTU's views and activities on the subject of "Human rights and scientific and technological developments".

^{3/} A copy of this report ("The United Nations and Human Rights", Eighteenth report. Commission to Study the Organization of Peace. New York, August 1967) is available for consultation in the file of the United Nations Secretariat.

^{4/} Both documents are available for consultation in the files of the United Nations Secretariat.

Inter-Parliamentary Union

[Original: English]

[3 August 1984]

IPU stated that due to the fact that the question of "human rights and scientific and technological developments" had never been studied as such by the Inter-Parliamentary Union, IPU was not in a position to express any views on the matter.

Medical Women's International Association

[Original: English]

[22 November 1984]

The right to health is a fundamental human right and MWIA basically stands for the right of all people to health.

Through policy-making decisions MWIA tries to evaluate advances of medical technology in terms of equal distribution to all people considering the fact that all people have human rights.



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Corrigendum

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After the first paragraph add:

Restraint, however, should be exercised with regard to matters concerning public health. There are already a number of international organizations such as WHO addressing these questions.

Much the same holds for the subject of "peace and disarmament". There is certainly no doubt about human rights being able to develop fully only under conditions of peace and freedom. It is, however, the very respect of human rights that creates the preconditions for peace and freedom. The contribution of the United Nations Commission on Human Rights to the maintenance of peace should therefore consist in concrete measures aiming at the realization of the human rights of the individual. What is necessary, in particular, is more rigorous implementation of international human rights standards that are already in existence. In order not to weaken the efficiency of the Commission on Human Rights in this key area of its activities, general questions concerning the maintenance of peace and concrete measures in the field of arms control should continue to be dealt with in the United Nations bodies specifically designed for these tasks such as the Conference on Disarmament or the First Committee of the General Assembly.

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Replies from specialized agencies

UNITED NATIONS EDUCATIONAL, SCIENTIFIC AND CULTURAL ORGANIZATION

[Original: French]

[9 December 1985]

UNESCO has informed the Secretary-General that, in conjunction with the International Social Science Council, it held an international symposium at Barcelona from 25 to 28 March 1985 on human rights in the context of recent scientific and technological developments.

The symposium culminated in the adoption of "Conclusions and Recommendations". */

The symposium received co-operation from the International Council of Scientific Unions (ICSU), and in particular from the International Brain Research Organization (IBRO), the International Council for Philosophy and Humanistic Studies (ICPHS), the World Federation for Mental Health, and the International Union of Psychological Sciences. UNESCO intends to publish the working documents and the "Conclusions and Recommendations" of the symposium in a forthcoming issue of the journal Human Rights Teaching.

The following activities designed to provide a follow-up to those recommendations in 1986-1987 were submitted to the consideration of the General Conference at its twenty-third session, held at Sofia in October-November 1985:

(a) Intellectual and financial support to regional, subregional and national scientific research institutions and specialized non-governmental organizations for the purpose of training, study and multidisciplinary research in the social, humanistic and legal sciences on the implications for human rights of recent scientific and technological developments.

(b) Intellectual and financial support to regional, subregional and national institutions and non-governmental organizations for the purpose of training, study and research in the social, humanistic and legal sciences on the impact of the introduction and spread of computer technology on the right to privacy.

(c) Dissemination in booklet form of the findings of such research and of the studies already carried out in 1984-1985.

The General Conference approved the activities in question, while specifying that support was to be confined to new developments or to developments complementary to those being dealt with by the United Nations Centre for Human Rights.

*/ The full text of this document is available for consultation in the files of the United Nations Secretariat at Geneva.

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Human Rights and Scientific and Technological Developments

Report of the Secretary-General

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INTRODUCTION

1. The General Assembly, by its resolution 2450 (XXIII) of 18 December 1968, invited the Secretary-General to undertake a study of "the balance which should be established between scientific and technological progress and the intellectual, spiritual, cultural and moral advancement of humanity". The Secretary-General inquired whether Governments wished to contribute views or studies to the writing of the report. Appropriate enquiries were also sent to the relevant specialized agencies, non-governmental organizations as well as to the eminent experts on this problem. In addition, a meeting of eminent international experts was convened by the Secretary-General at Geneva from 15 to 19 September 1975, to discuss the topic. The group of experts adopted a statement. Several aspects of this statement were referred to in various chapters of the Secretary-General's report (E/CN.4/1199). The Secretariat, however, as mentioned in the Secretary-General's Report */ "does not necessarily endorse every aspect of the statement". This statement can be found in full, in annex 1 to this report.

2. The Commission on Human Rights, at its fortieth session, adopted resolution 1984/30 of 12 March 1984. In this resolution, the Commission, stressing the need to keep the promotion and protection of human rights under constant review in the light of the rapidity of scientific and technological developments and taking into account the recommendations of the international experts set forth in the Secretary-General's report (E/CN.4/1199), decided to consider the implications of the topics indicated in the recommendations of the international experts at its forty-second session. The Commission requested the Secretary-General to invite Member States of the United Nations, United Nations bodies and specialized agencies to submit their views and comments on the recommendations of the international experts.

3. Consequently, on 26 June 1984, a note verbale and a letter were sent to Member States and to United Nations bodies and specialized agencies respectively, drawing attention to resolution 1984/30.

4. As at 15 November 1985, replies had been received from the Governments of Barbados, Byelorussian Soviet Socialist Republic, Cyprus, Democratic Republic of Madagascar, Germany, Federal Republic of, Paraguay, Union of Soviet Socialist Republics, United Kingdom of Great Britain and Northern Ireland and Venezuela. Replies had also been received from the following United Nations bodies and specialized agencies: International Fund for Agricultural Development, The World Bank, United Nations Environment Programme and the United Nations Industrial Development Organization.

5. The summary of replies received can be found in sections II and III respectively. **

*/ E/CN.4/1199, para.4.

**/ The full text of these replies are available for consultation in the files of the United Nations secretariat at Geneva.

II. Replies received from Member States of the United Nations

Barbados

[Original: English]

[2 January 1985]

The Government of Barbados stated that while Barbados was in full accord with the drafting of a declaration on Human Rights and Scientific and Technological Developments its research capabilities in the area of Science and Technology had been so limited as not to make any impact in human rights in any significant way.

Byelorussian Soviet Socialist Republic

[Original: Russian]

[7 February 1985]

The impressive achievements of science and technology would even now enable peoples to open a new chapter in their history and to proceed to the definitive solution of such problems as hunger, disease, poverty and the elimination of economic backwardness. And humanity would make considerable progress in solving these and other vitally important problems if the achievements of man's genius were used exclusively for his benefit.

The colossal destructive force of the arms already stockpiled constitutes a global danger threatening not only particular countries and peoples but also all of mankind. The very existence of the Earth's civilization, life itself on our planet, is at stake. Nevertheless, buildup of means of mass destruction is continuing and increasingly sophisticated and deadly weapons are being created.

The implementation of new military programmes is inseparably connected with the propounding of aggressive concepts and doctrines - "nuclear first strike", "limited nuclear war", "protracted nuclear conflict", etc. All of these doctrines are based on the calculation that it would be possible to be the first to use nuclear weapons and win a nuclear war.

To construct one's policy on the prospect of nuclear war and of victory in such a war is a criminal gamble with the life of each and every human being. It is vitally necessary to outlaw the use and threat of use of nuclear weapons and to destroy these weapons before they destroy life on Earth.

Throughout the post-war period, from the very appearance of atomic weapons, the Soviet Union has persistently sought an approach to the cessation of the nuclear arms race. An eloquent manifestation of this policy is the assumption by the Soviet Union of the obligation not to be the first to use nuclear weapons. This solemn obligation has become a historic landmark in the struggle for prevention of nuclear catastrophe, outlawing of nuclear weapons, cessation of production and gradual reduction of stocks of such weapons down to their complete elimination, and thus for nuclear disarmament. If the other nuclear powers follow the example of the USSR, if they assume the same obligation, that would in practice be equivalent to the prohibition of the use of nuclear weapons and would become an important guarantee of implementation of the right to life.

Apart from the direct danger of nuclear catastrophe, the arms race represents a useless waste of gigantic material resources. Hundreds of billions of dollars are being spent for military purposes. This senseless and unprecedented squandering of wealth is taking place in a world in which every third person lacks elementary medical care, every fifth person is illiterate and every sixth person is undernourished, one in which millions of people die of hunger every year and many millions more suffer from unemployment and inflation. The resources being swallowed up by the arms race should be used not for the purpose of making weapons to kill people but in the interests of solving social and economic problems, of improving the well-being of peoples. The peoples of all countries, including of course the developing countries, would have everything to gain from the rechanneling of these resources of peaceful ends. Indeed, it would open the prospect of allocating considerably more substantial funds than at present to assistance in eliminating the backwardness inherited by these countries from colonial times.

The question of preserving peace, preventing nuclear catastrophe and ensuring the right to life is the key question for first testing a Government's real attitude to human rights. One cannot preach human rights and at the same time proceed on the premise that it is acceptable to destroy hundreds of millions of human beings, all human civilization, in the fires of a nuclear conflagration. Respect for human rights and planning for nuclear war, intensifying the danger of war, are incompatible and mutually exclusive.

We are convinced that no contradictions between States or groups of States, no differences in social structure, way of life or ideology, no immediate interests can overshadow the fundamental need, common to all peoples, to preserve peace and prevent nuclear war.

The most important task of the United Nations is to save our planet from the danger threatening it, and to ensure the right of people to life. The present alarming situation in the world dictates the need for mobilizing all efforts to achieve real results in the limitation of the arms race, prevent the danger of war and establish political and international-law guarantees for ensuring the right to life. It is in this main direction that the efforts of all United Nations bodies, including those concerned with human rights questions, must be concentrated. We believe it to be their duty to contribute to the struggle for the survival of mankind, for implementation of the right to life.

As one of the initiators of the adoption of the 1975 Declaration on the Use of Scientific and Technological Progress in the Interests of Peace and for the Benefit of Mankind, and of a whole series of resolutions of the General Assembly and the Commission on Human Rights on the question of human rights and scientific and technological progress, the Byelorussian SSR believes that these most important decisions must be fully implemented by all States.

The provisions of these documents are consistently put into practice in our Republic. The Constitutions of the USSR and the Byelorussian SSR contain provisions offering the citizens of Byelorussia broad opportunities to come out in defence of the right to life, in defence of peace, as is shown by the extensive anti-war demonstrations of citizens of the Republic, who unswervingly support the efforts of the Soviet State to remove the threat of nuclear catastrophe hanging over mankind through the fault of imperialism and to ensure that the results of scientific and technological progress are used exclusively in the interests of

international peace and for the benefit of mankind, for the economic, social and cultural development and improvement of the well-being of the people. Under the planned socialist system of our country, such a social evil as unemployment has long been done away with, having been eliminated more than 50 years ago. The citizens of the Byelorussian SSR have the right to work, including the right to choose their occupation, type of employment and labour in accordance with their calling, capabilities, vocational training, education, etc.

The tasks of improving the conditions and protection of labour, its scientific organization, the reduction and complete elimination of strenuous physical work on the basis of the integrated mechanization and automation of production processes in all branches of the economy, i.e. on the basis of the expansion of scientific and technological progress, have also been assumed by the State, and all of these provisions are enshrined in the Constitution.

Wide sectors of the population participate most actively in the acceleration of scientific and technological progress. Nearly 400,000 people are members of voluntary scientific and technological associations, and the voluntary society of inventors and rationalizers has more than 350,000 members. This process is inseparably linked to the intensification and expansion of the system of education, the right to which is laid down in the Constitution of the Byelorussian SSR.

Of the nearly 10 million inhabitants of the Republic, four million are engaged in some kind of study.

In socialist society the results of scientific and technological progress are organically combined with the advantages of the socialist structure, which in turn opens up extremely favourable prospects for the progressive development of society and the full development of the individual's potential. In our country everything is done to ensure that results of scientific and technological progress contribute to peace and the well-being of man, and promote the implementation of human rights. Article 15 of the Constitution of the Byelorussian SSR clearly defines as the supreme goal and social objective of social production "... the fullest possible satisfaction of the people's growing material and intellectual requirements". It is under such conditions that scientific and technological progress endows man with broader economic, political, social and cultural rights, and this inevitably leads to the all-round development of the individual, combining his personal interests with those of society. Since man is the creator of scientific and technological progress, the achievements of science and technology must be fully utilized for man in the interests of society as a whole.

A very important provision of the Declaration is that pertaining to the need for measures to extend the benefits of science and technology to all strata of the population and to protect them, both socially and materially, from possible harmful effects of the misuse of scientific and technological developments. The timeliness of this provision of the Declaration is particularly striking in those western countries in which a system of total surveillance and interference in private life has been established and is being expanded with the use of scientific and technical equipment.

In our Republic, the inviolability and respect of the person, the preservation of the rights and freedoms of citizens, of the right to judicial protection from encroachments on their honour and dignity, life and health, on their personal freedom and property are constitutionally enshrined and guaranteed. What is more, under article 54 of the Constitution of the Byelorussian SSR, the privacy of citizens and of their correspondence, telephone conversations and telegraphic communications is protected by law.

These constitutional measures completely exclude any possible infringement of the rights both of individual persons and groups of persons with or without the use of scientific and technological equipment.

Considering the Declaration as an important instrument showing how to utilize the achievements of scientific and technological progress in the interests of peace and for the benefit of mankind, the delegation of the Byelorussian SSR sponsored resolution 1984/29, adopted by the Commission on Human Rights at its fortieth session, which instructs the Sub-Commission on Prevention of Discrimination and Protection of Minorities to prepare a study on the use of the achievements of scientific and technological progress to ensure the right to work and development. Such a study will be of practical importance both to developing and to developed countries and will promote implementation of the provisions of the Declaration.

The efforts of the international community at this time must be aimed at saving our planet from the danger of thermonuclear war, at preserving peace and thereby ensuring the right of all peoples and individuals to life.

Cyprus

[Original: English]

[10 January 1985]

Paragraph 5 of the report of the Secretary-General recommends that consideration be given to the possibility of drafting a declaration on human rights and scientific and technological developments.

Since the Cyprus Government firmly believes that technology - one of the main engines of economic progress and modernization should only be used for the benefit of mankind and not for destructive purposes - it strongly recommends the drafting of such a declaration. Furthermore, it suggests the inclusion in the declaration of the topic of population planning in relation to the right to found a family.

Democratic Republic of Madagascar

[Original: French]

[15 November 1984]

There are no limits to progress and man's exploitation of nature offers him many good prospects for the future.

Scientific and technological advances are, without any doubt, the most important factors in the development of human society because of the contribution they can make to improve living conditions for peoples and nations.

Scientific and technological results are, unfortunately, not always wisely or properly used. Some countries deliberately use such results for military purposes with the evil intention of restricting and even depriving individuals and peoples of their most basic and natural rights and their fundamental freedoms.

The Democratic Republic of Madagascar has the honour to draw your attention to the way in which resolution 1984/30 is being implemented at the local level.

The relevant information available to it at the regional and international levels nevertheless calls for a few comments.

In the first place, the adoption by the General Assembly of the United Nations of resolution 3384 (XXX) in 1975 took place at the same time as the birth of the Malagasy Socialist Revolution and of the Democratic Republic of Madagascar.

"The Malagasy Socialist Revolution aspires to build a new and more equitable society in which any form of man's exploitation of man and any form of oppression and domination will be prohibited.

It intends to combat hunger, ignorance, illness and injustice.

It also intends to guarantee the autonomous, balanced and harmonious economic, social, cultural and spiritual development of the Malagasy people.

We are, however, convinced that only the socialist road to development can rapidly lead us to progress for all, to hope for a better and more decent life and to the happiness to which the Malagasy people is entitled."

These excerpts from the Charter of the Malagasy Socialist Revolution reflect the general policy of the Democratic Republic of Madagascar, one of the main objectives of which is balanced and harmonious economic, social and cultural development.

However, the practical application and implementation of this policy mean, inter alia, that scientific and technological developments have to be properly used and mastered by the people. Our Red Book states, for example that: "As a people becomes technologically and politically more developed, it acquires more technology and gains greater mastery of itself and nature, using its productive forces to guarantee its own progress and development".

With the establishment in October 1983 of a full Ministry of Scientific and Technological Research for Development (MSTRD), Madagascar showed that it intended to enter the era of technological advances.

Article 1 of Decree No. 84/074 of 15 February 1984 on the establishment, organization and attributions of this Ministry specifies that it "shall be responsible for promoting scientific and technological research for development and, for this purpose, shall co-ordinate the scientific and technological activities of agencies which use Governments funds, either in whole or in part, and which include centres, laboratories and institutions with financial autonomy, as well as ministerial departments".

Since man is the focus of the Malagasy Socialist Revolution, it is only logical that the Malagasy people, i.e. the peasant masses forming 85 per cent of the population, should be the main beneficiaries of scientific and technological developments.

The Malagasy Government's priority objective is, obviously, to raise the standard of living of the working classes (peasants, workers).

Since it is aware of the key role of science and technology in the development of rural areas and the gradual transformation of society, the Malagasy State, through its Ministry of Scientific and Technological Research for Development, is endeavouring to make the objectives set by the General Planning Department and other ministerial departments part of integrated development research programmes (IDRP).

Although scientific and technological developments are the basis for the economic, social and cultural development of any society, their use must, in the opinion of the Democratic Republic of Madagascar, not restrict or hinder the exercise of human rights and fundamental freedoms. Such rights and freedoms are, moreover, recognized and guaranteed by the Malagasy Constitution of 1975.

Article 15 of the Constitution provides that: "The exercise of the rights and freedoms recognized by the Constitution and the law shall be guaranteed to every citizen who works for the Revolution and for the triumph of a socialist society".

It is thus out of the question for the Malagasy State to use scientific and technological advances to jeopardize the rights of individuals or groups, particularly with regard to respect for privacy and the protection of the human person and his physical and intellectual integrity.

With regard to international relations, the policies of the Democratic Republic of Madagascar are clearly defined by the Charter. Madagascar supports and militates in favour of the universally recognized principles embodied in the Charter of the United Nations, such as territorial integrity, national unity and non-interference in the internal affairs of other States. It fully endorses the objectives of the OAU, as well as the principles of non-alignment and positive neutrality.

The use of the achievements and results of science and technology for the purpose of jeopardizing the sovereignty and territorial integrity of other States or interfering in their internal affairs is thus contrary to the approach of the Democratic Republic of Madagascar.

As an island country, Madagascar promotes international co-operation to ensure that scientific and technological developments will be used to strengthen peace, international security, freedom and independence.

This desire for international co-operation is unfortunately hindered by the shameful practice of some countries which do not hesitate to make the transfer of technology subject to unfair conditions for beneficiary countries. This is all the more serious in that scientific and technological developments are being used to the detriment of peace and mankind.

The Malagasy State thus shares the view of the group of the Commission on Human Rights concerning the possibility of formulating a declaration on human rights and scientific and technological developments.

In the opinion of the Democratic Republic of Madagascar, international co-operation in this area is a priority task of all peace-loving and justice-loving nations. Such co-operation can play an important role in placing in their proper perspective the technological advances which are best suited to the economic, social and cultural context of various countries and to the intellectual, spiritual and moral aspirations of every individual.

In short, the Democratic Republic of Madagascar supports any initiative to encourage international scientific and technological co-operation for the promotion of knowledge, the strengthening of research and training and the promotion of transfers of knowledge and know-how.

The Democratic Republic of Madagascar fully supports the formulation and adoption in all countries of training, research and implementation policies and programmes, as well as greater understanding of the social, cultural, intellectual, spiritual and moral consequences of the introduction and development of science and technology.

Federal Republic of Germany

[Original: English]

[15 January 1985]

The statement of the group of experts who discussed the subject "The balance which should be established between scientific and technological progress and the intellectual, spiritual, cultural and moral advancement of humanity" in Geneva from 15 to 19 September 1975 is objective and aptly sketches the relationship between scientific and technological progress and the intellectual, spiritual, cultural and moral advancement of humanity.

The statement points to the dangers for basic individual human rights, which could arise from scientific and technological progress. However, not all the dangers for humanity which may arise from scientific and cultural progress can be classified as "dangers for human rights", as suggested by the statement.

The subjects dealt with by the group of experts were evidently far more comprehensive than those which could be characterized by the term "human rights". They also dealt with the influence of scientific and technological progress on

individual human rights and with the global challenges to and dangers for humanity, e.g. the misuse of atomic energy, arms build-up, hunger, and destruction of the environment are not to be equated with the effects thereof for individual human rights. These global dangers should therefore not be discussed and dealt with by the Commission on Human Rights. The Commission on Human Rights would thus be even more overworked and would be interfering in the affairs of other United Nations bodies. The United Nations Commission on Human Rights should concentrate on problems and the solution thereof which result from the effects of scientific and technological progress on physical, mental and spiritual integrity, on dignity and freedom for individuals.

Concerning the proposal for a declaration on "human rights and scientific and technological development", the human rights contained in the International Covenant on Civil and Political Rights should first be examined to see whether these do not constitute sufficient and technological progress. The field of human rights is characterized more by a lack of implementation than by a lack of legal norms. What is important basically is to improve the instruments for implementation and thereby provide greater protection for human rights.

In this connection, it must be ensured that the institution of "human rights" will not, by the inclusion of global dangers for humanity, be expanded to a point of endangering what has already been attained in the field of human rights protection.

With regard to the creation of a new international institution to deal with questions as to what extent negative influences on human rights protection should be tolerated in order to enjoy the benefits of scientific and technological progress we would refer to existing United Nations bodies (Commission on Human Rights and the Human Rights Committee). The strengthening and optimal efficiency of these bodies must be the aim of the human rights discussion and activities.

Another recommendation of the group of experts to arrive at an improved definition of the duties of the individual towards society and the rights of future generations exceeds the scope of human rights.

Individual questions

Paragraph 5, page 4 of E/CN.4/1199 contains the recommendation of the group of experts according to which any possible declaration on human rights and scientific and technological developments should, in addition to other points, deal in particular with:

"protection against the hazards of the use of atomic energy".

This may have appeared reasonable in 1975, but experience gained since then has shown that the dangers involved in the utilization of nuclear energy are not among the most urgent problems of environmental protection.

For this reason, should the proposal for such a declaration be further discussed, the more general problem of

"protection against the hazards of industrial technology and environmental pollution"

should be dealt with instead of a one-sided treatment of nuclear energy.

Scientific and technological progress and evolution of human rights

Scientific and technological progress have laid highly important foundations for the realization of human rights. The technological utilization of energy, modern methods of agriculture, progress in medicine, and modern systems of transportation and communications have provided mankind with effective instruments to fight against hunger, disease and poverty. Existence involving human dignity and freedom, common international responsibility and the preservation of peace is no longer conceivable without the benefits of modern technology. Recent developments in communications technology, electronic data processing, micro-computers and biotechnology promise further progress which can be taken advantage of for the realization of human rights.

Nevertheless, the fact cannot be ignored that technological developments have and will no doubt continue to have consequences which affect respect for human rights. Scientific and public discussion point to the dangers for human health which arise from the pollution of air, water and soil by the production of energy and industrial goods and by road and air transport. Unrestricted progress in medicine causes questions to arise as to the integrity and human dignity of the physically and mentally ill; computer systems require carefully designed measures to ensure the protection of personal and industrial data; biotechnology must be regulated to ensure against the negative effects of a manipulation of human genes, to name but a few problems. Scientific and technological progress is neither of intrinsic value nor to be evaluated externally, but is to be judged according to the contributions it is able to make for the well-being and dignity of the individual, for freedom and the peaceful community of nations. The Government of the Federal Republic of Germany therefore promotes scientific research into the aims and effects of technological progress and new technologies at the national, bilateral and international level. It supports the continuation of projects of the sub-commission aimed at providing the individual with effective protection against the negative side effects of scientific and technological developments.

Protection of marriage and the family, family planning

The Federal Republic of Germany has a social legal order, based on the freedom of the individual, which provides special protection for marriage and the family. Couples may decide freely about the number and time of birth of their offspring.

None the less, Government and State are not hindered in pursuing family planning policies; the Government of the Federal Republic of Germany has up to now not formulated any such policies.

Measures for family planning must not, however, infringe on the right of couples to decide on the number and time of birth of their offspring.

The right to decide freely as to the number and time of birth of offspring has been internationally recognized. It was declared a human right at the International Conference on Human Rights at Teheran in 1968.

The World Population Plan of Action passed at the World Population Conference of 1974 at Bucharest expressly supported this "basic right". The International Conference on Population held at Mexico City in August 1984 confirmed the full validity of the aims and principles of the World Population Plan of Action and once again reaffirmed this "basic human right" in the Mexico City Declaration on Population Development passed at the Conference.

Reference was also made to the comments of the Government of the Federal Republic of Germany of July 1975, submitted pursuant to the Secretary-General's request of 27 March 1985.

Paraguay

[Original: Spanish]

[20 December 1984]

Framework of the development policy

Paraguay's national development policy is based on priorities which include the encouragement of agricultural, forestry and agro-industrial activities, export promotion and the gradual substitution of imported manufactures. The aim is thus to promote peaceful development and progress in the social, economic and cultural spheres.

The programmes of the Government's specialized agencies are based on the National Economic and Social Development Plan formulated by the Technical Planning Secretariat of the Office of the President of the Republic and their main objectives are to integrate and co-ordinate the public and private sectors in order to give the country fresh economic and social impetus.

In terms of economic objectives, the aim is to accelerate the growth rate of national income by enhancing national capital formation and consolidation, encouraging the rational exploitation of natural resources and promoting foreign capital investments in productive activities.

Social objectives include that of increasing employment as a means of ensuring the welfare of the people and consolidating social peace, as well as that of improving income distribution as a means of offering the population better opportunities to benefit from development.

There is no doubt that the country's development depends on the Itaipú and Yacyretá hydroelectric projects, which had a noticeable impact and produced social and economic benefits for the country as soon as construction work began.

Half the electric power produced by the two dams will belong to Paraguay, which will thus have energy surpluses that will be used according to the country's social and economic dimensions and its level of industrial development in the coming years.

It should be noted that the Government plays a regulatory role through incentives such as loans, taxes and measures to promote industrial development.

Act No. 550 on the promotion of investments in Paraguay has been a decisive factor for the incorporation of capital in the national economy: 1,365 investment projects amounting to about \$700 million have been implemented in the past decade and, according to official information, some 45,000 jobs have been created for the country's labour force.

Incorporation of science and technology in the development model and development strategies

Paraguay began to give particular consideration to the scientific and technological factor in about the mid-1970s, when it had the possibility of development based on the experience of other countries in the region and on the use of mechanisms suited to its dimensions and its own level of social and economic development.

One particular point of interest is the policy of not setting up any new institutional or instrumental bodies, which might have been redundant or counter-productive. Thus, responsibility for dealing with the scientific and technological variable was assigned to an existing body, the National Institute of Technology and Standardization (INTN), which became the National Technology Secretariat (Decree No. 20.351 of 26 January 1976) and was entrusted with the planning, formulation, co-ordination and evaluation of scientific and technological development programmes based on the guidelines contained in the National Economic and Social Development Plan. The co-ordination of specific activities was thus assigned to a sectoral body entrusted with industrial research and development tasks, as well as other promotion and assistance functions (information, quality control and metrology). These combined functions created more direct ties with the public and private sectors involved in scientific and technological activities in the country.

The first important task undertaken was the formulation of the first National Scientific and Technological Development Programme, which was intended to bring the country's scientific and technological policies into line with its economic and social policies.

The Programme sponsored activities to make Government agencies and scientific and technological sectors and enterprises aware of the problem and impact of the scientific and technological factor on development through the organization of seminars, conferences and courses, with particular emphasis on the need for more far-reaching in-depth co-ordination activities.

The first Programme may be considered to have achieved partial results, for, although it was formulated on the basis of joint efforts, the necessary conditions were not created for sustained follow-up.

Despite such limitations, the instrument for scientific and technological budget programming was prepared and strengthened in 1980 when the science and technology heading was included in Paraguay's national budget.

The provision of technical services by INTN and other bodies in the public sector was one of the most effective, although indirect, means of ensuring ongoing programme co-ordination.

With regard to international co-operation under technical co-operation treaties and agreements with research and development institutes, the less developed Latin American countries held a regional seminar on technological development strategies in 1983 under the auspices of INTN and OAS. The seminar was an excellent opportunity for exchanges of experience by the participating countries and its conclusions and recommendations, which reflected the participants' spirit of co-operation, were duly communicated to Governments and the relevant international bodies; they may be translated into specific action with a view to better understanding and the more effective use of the scientific and technological factor in Latin America.

The activities in question are intended for the formulation of the second National Scientific and Technological Development Plan, which will cover the period 1985-1989 and should involve fuller participation on the basis of the experience gained by the National Technology Secretariat, as well as greater awareness of the components of the scientific and technological sector. In this connection, sectoral working groups have been set up in areas identified as being of high priority for national development; they are composed of representatives of Government Ministries, universities and public and private entities and enterprises. The aim of the working groups on agro-industry, energy, technological enterprise management, bio-medical research and information and scientific and technological documentation is to agree on the definition of priority objectives, policies, strategies and programmes in each area and to bring them into line with the National Economic and Social Development Plan. In future, such groups will become permanent advisory and evaluation committees.

Conclusions

In general terms, it may be said that Paraguay has the necessary legal and institutional instruments to promote social and economic development and to enable its inhabitants to benefit therefrom.

Machinery for the implementation of socio-economic plans and scientific and technological programmes must, however, be strengthened. The process of bringing scientific and technological aspects into line with other Government policies on the basis of the experience gained by INTN, which has become the National Technology Secretariat, has been going on slowly and gradually as institutions have gained greater knowledge of means of including the scientific and technological factor in their specific programmes. Account has to be taken of the fact that most of the other sectoral bodies are traditional ones that are quite well established, so that considerable efforts have to be made to persuade them to bring their decisions into line with the requirements of the current scientific and technological situation.

It may also be noted that an orderly progression has been followed in which the various stages have been reached as and when the means to do so have become available. The global strategy has nearly always been based on persuasion and demonstration, rather than on rules, as well as on the belief that the central body can assume greater responsibilities and functions as it becomes stronger, depending on how its activities are viewed by other State agencies and the private sector.

Union of Soviet Socialist Republics

[Original: Russian]

[13 February 1985]

As one of the most important factors of the development of human society, scientific and technological progress must serve to strengthen international peace and security and to improve the living conditions of individuals and peoples. The development of science and technology is opening up new horizons of knowledge and is making possible the acquisition of previously undreamed-of vast sources of energy, the conquest of outer space and the exploitation of the depths and resources of the seven seas. The scientific and technological revolution now under way offers mankind powerful means for solving global problems, eliminating hunger, disease, poverty and illiteracy, and overcoming economic backwardness.

Mankind would make considerably more headway in solving these and other vitally important problems if the achievements of man's genius were used exclusively for his benefit.

However, there are still highly influential forces in the world which are interested in directing the development of scientific and technological progress along another path, the path of the nuclear arms race and nuclear superiority.

It is their fault that mankind is now undergoing the most severe test in its history. Misuse of the fruits of modern science makes it practically possible to destroy not only all the achievements of civilization but also the very existence of life on Earth. There are tens of thousands of warheads stockpiled in the world, whose total power is more than a million times greater than that of the atomic bomb dropped on Hiroshima.

The efforts of science and technology are now also being directed to making outer space a springboard for preparing and unleashing nuclear war. Attempts are being made to create an irreversible process of transforming outer space into an arena of military rivalry.

In addition to the threatened use of nuclear weapons there is also a growing danger of the utilization of biological achievements - genetic engineering. Just as nuclear weapons are capable on a world scale of irreversibly altering the physical environment for man's survival, so molecular biology and genetic engineering can basically alter the established system of transmission of hereditary characteristics, which is responsible for evolution and the very existence of life and intelligence on our planet. With its experience in the struggle against the threat of use of nuclear weapons, mankind must not allow itself to fall into a new ambush or into the still unknown traps which may be produced as by-products of scientific progress.

Nor must it be forgotten that arsenals are accumulating such means of mass destruction as chemical weapons. Only a few kilogrammes of the already stockpiled tens of thousands of tons of poisonous substances are enough to kill millions of people. New programmes for producing still more perfected types of chemical weapons, including binary weapons, are proceeding at a precipitous pace.

Particularly dangerous are the concepts and doctrines aimed at using the achievements of scientific and technological progress for the unleashing of nuclear war.

Rapid improvement of nuclear weapons and of means to deliver them is being accompanied by the elaboration of strategic doctrines designed to justify the possibility of waging and winning a nuclear war. In this connection, they are invariably based on the concept of a nuclear first strike, reflected in particular in well-known directives and corresponding plans providing for the waging of "local", "limited", "rational", "protracted" or "generalized" nuclear wars.

However, nuclear warfare is not just a joint exercise, not a game with known rules and limitations; given the physical properties themselves of nuclear weapons and the consequences of their use, such warfare would turn into a gigantic chain reaction and become the most tremendous all-consuming catastrophe in the history of human civilization.

In view of the growing threat of thermonuclear war, historic responsibility for the fate of humanity and of life on Earth demands that the United Nations and all States take urgent steps to guarantee the most important of rights - the right to life.

From the first appearance of the atomic bomb, the Soviet Union has consistently sought to ensure that nuclear weapons would never be launched and that the first and foremost human right, the right to life, would be implemented in practice. An eloquent manifestation of this policy is the adoption by the Soviet Union of the historic obligation not to be the first to use nuclear weapons. It is on the initiative of our country that the United Nations General Assembly has resolutely condemned, unconditionally and forever, nuclear war as the most monstrous of the crimes that can be perpetrated against peoples; it has declared as criminal acts the elaboration, advocacy, dissemination and propagandizing of political and military doctrines and concepts designed to justify the "legitimacy" of first use of nuclear weapons and in general the "admissibility" of unleashing nuclear war.

There is no type of arms that our country would not be willing to limit or prohibit on a reciprocal basis. We are principled opponents of competition in the production and stockpiling of weapons of mass destruction. That path is not ours, for it cannot lead to the solution of a single problem confronting mankind: economic development of States, protection of the environment, creation of the most elementary conditions for the life of people - their food, health and education. At a time when some 800 billion dollars a year are being spent on arms, 400 million people in the developing countries are constantly undernourished, 100 million children are threatened with death because of poor food and insufficient vitamins, and 30 per cent of children have no opportunity to attend school.

The resources being swallowed up by the arms race should be used not for producing weapons to kill people, but in the interests of solving social and economic problems and of improving the well-being of peoples. Peoples of all countries, including of course the developing countries, would gain from the rechannelling of these resources to peaceful ends. It would open the prospect of allocating considerably more substantial funds than at present to assistance in eliminating the backwardness inherited by these countries from colonial times.

The Soviet Union has consistently advocated placing the results of scientific and technology progress at the service of the cause of peace and of the freedom and independence of peoples, and not using the achievements of science and technology for purposes of aggression and interference in the internal affairs of sovereign States, to the detriment of the economic and social development of peoples and human rights and fundamental freedoms.

It is towards this use of scientific and technological progress that the efforts of the international community have been directed by decisions adopted on the initiative of the Soviet Union: the 1975 Declaration on the Use of Scientific and Technological Progress in the Interests of Peace and for the Benefit of Mankind, General Assembly resolutions 37/189, 38/113 and 39/134, resolutions of the Commission on Human Rights 1982/7, 1983/43 and 1984/28, and other resolutions in this field.

We are firmly convinced of the need for the most speedy implementation by all States of these most important United Nations decisions concerning the use of scientific and technological progress in the interests of peace and the benefit of mankind, since their purpose is to preserve peace and to defend the most primordial and inalienable right - the right to life itself.

The question of preserving peace, preventing nuclear catastrophe and ensuring the right to life is the key question for first testing a government's real attitude to human rights. Today, Lenin's words sound more timely than ever: "The greatest manifestation of democracy is on the basic question of war and peace". One cannot preach human rights and at the same time proceed on the premise that it is acceptable to destroy hundreds of millions of human beings, all human civilization, in the fires of a nuclear conflagration. Respect for human beings and planning for nuclear war, intensifying the danger of war, are incompatible and mutually exclusive.

No differences in social structure, way of life or ideology, no immediate interests can overshadow the fundamental need, common to all peoples, to safeguard peace and prevent nuclear war.

The most important task of the United Nations is to save our planet from the danger of thermonuclear war, to preserve peace and thereby to ensure the rights of all peoples and individuals to life. The present alarming situation in the world dictates the need for taking real steps to ensure that the results of scientific and technological progress are used exclusively in the interests of international peace and for the benefit of mankind, for the economic, social and cultural development and well-being of peoples. It is in this main direction, in our profound conviction, that the efforts of the international community must be concentrated.

United Kingdom of Great Britain and Northern Ireland

[Original: English]

[8 January 1985]

The Government of the United Kingdom of Great Britain and Northern Ireland attach particular importance to this issue and are firmly of the view that, wherever feasible, advances in science and technology should be placed at the service of furthering human rights and fundamental freedoms.

The United Kingdom regard it as appropriate for the Commission on Human Rights to continue to consider the subject of human rights and scientific and technological developments and believe that, as the issues cited in the recommendations of the international experts are more related to the mandate of other bodies such as the Population Commission, they should be referred to those bodies.

Venezuela

[Original: Spanish]

[8 January 1985]

The comments made by the Government of Venezuela were reproduced in the Secretary-General's report "Human Rights and Scientific and Technological Developments" submitted to the General Assembly at its fortieth session and may be found in document A/40/493/Add.1.

III. Replies from organs of the United Nations system

United Nations Environment Programme

[Original: English]

[5 October 1984]

UNEP stated that it had no views on the resolution 1984/30 that should be presented to the Commission on Human Rights at its forty-second session.

IV. Replies from specialized agencies

International Fund for Agricultural Development

[Original: English]

[8 November 1985]

The comments made by the IFAD were reproduced in the Secretary-General's report "Human Rights and Scientific and Technological Developments" submitted to the Commission on Human Rights at its forty-second session and may be found in document E/CN.4/1986/27.

United Nations Industrial Development Organization

[Original: English]

[8 October 1984]

The United Nations Industrial Development Organization stated that UNIDO's views on the subject may be found in the following two documents */ which had been discussed and adopted at the Fourth General Conference of the United Nations Industrial Development Organization, Vienna, 2-19 August 1984:

(a) Strengthening of scientific and technological capacities for industrial development in developing countries: ID/CONF.5/36, 19 July 1984;

(b) Strengthening of scientific and technological capacities for industrial development in developing countries: ID/CONF.5/C.2/L.13, 17 August 1984.

World Bank

[Original: English]

[10 July 1984]

The World Bank stated that all technical and financial assistance from the World Bank to its member countries was provided with the sole purpose of improving the economic well-being of peoples in those countries.

*/ These documents are available for consultation in the files of the United Nations secretariat at Geneva.

V.

Annex

The full text of the statement, adopted by the group of experts on the question of "The balance which should be established between scientific and technological progress and the intellectual, spiritual, cultural and moral advancement of humanity" (E/CN.4/1199 of 2 February 1976, para. 4).

1. The scientific and technological progress of mankind is an essential part of human intellectual, spiritual, cultural and moral advancement. What is necessary is to see the interconnection and interdependence between them, that is to say the way in which they influence one another. Certain specific scientific and technological advances such as those listed in paragraph 5 below do pose risks to individual human rights, the welfare of society or the global condition of mankind.
2. Whereas scientific and technological progress is a motive force in human advancement, the choice of values, objectives and goals - in other words, the direction of advancement sought by a particular society at a particular time - is not inherent in the nature of science and technology. It derives largely from the emotional, cultural and ethical aspects of human life. A true integration of scientific and technological progress in the life of a people, therefore, depends on the completeness of its mutual relationship with other intellectual, spiritual, cultural and ethical standards and goals.
3. A thorough revision of education at all levels is required to bring about a sufficient harmony of science and technology with other human activities. Science and technology must be taught in the context of the ascent of Man, not primarily as potential contributors to the disruption of society or the depersonalization of individual lives. A proper understanding of science and its impact on society is essential for dealing adequately with the evolving problems of civilization.
4. Not every change or development that science and technology make feasible needs to become an actuality. Governments and societies must determine by appropriate mechanisms for technological assessment - including the assessment of possible side effects and long-range effects - whether the time is right for particular innovations and whether their advantages outweigh for the society the discernible disadvantages. International machinery should be entrusted with such a technological assessment for mankind as a whole. It is a basic human right to have a voice in such decisions. Decisions in such matters must be made on the basis of the considered opinion of bodies of experts and laymen who represent the interests of all the people as well as of future generations.
5. With these ideas in mind, and taking into account the necessity for keeping under constant review the promotion and protection of human rights in the light of rapid scientific and technological developments, the Group recommends that consideration be given to the possibility of drafting a declaration on human rights and scientific and technological developments. Among the topics which would be covered by the declaration, the Group recommends especially the following:

Population planning (quantitative and qualitative) in relation to the right to found a family; protection against the hazards of the use of atomic energy; human experimentation; implications of new biological and medical discoveries (e.g. (a) tissue and organ transplantation and the use of artificial organs, (b) genetic manipulation of microbes, and (c) potential modifications of human genome); modification of mental processes by medical means; the social and ethical implications of the extension of life and of new definitions of and attitudes to death, and social and ethical choices in relation to equality in the provision of health protection and medical care.

6. It is recommended that a better definition be given of the duties of the individual to the community and of the rights of future generations. For example, it seems to us that the crisis in growth of the world's population must lead to some constraint on the individual right to reproduce, and that the right of the child to be born physically and mentally sound takes precedence over the rights of parents to reproduce."

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COMMISSION ON HUMAN RIGHTS
Forty-second session
Agenda item 15

HUMAN RIGHTS AND SCIENTIFIC AND TECHNOLOGICAL DEVELOPMENTS

Report of the Secretary-General

Corrigendum

Page 10, line 14

Should read these do not constitute sufficient protection for individuals
from the danger of scientific and technological progress.

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Forty-second session

Item 16 of the provisional agenda

IMPLEMENTATION OF THE INTERNATIONAL CONVENTION ON THE SUPPRESSION
AND PUNISHMENT OF THE CRIME OF APARTHEID

Note by the Secretary-General

1. In accordance with the provisions of its article XV, paragraph 1, the International Convention on the Suppression and Punishment of the Crime of Apartheid entered into force on 18 July 1976, on the thirtieth day after the date of the deposit with the Secretary-General of the twentieth instrument of ratification.
2. As at 1 December 1985, the Convention had been ratified or acceded to by 82 States. A list of States parties to the Convention, as well as the dates of their ratification or accession and the dates of entry into force of the Convention for States concerned, appear in annex I to the present note.
3. Under article VII of the Convention, the States parties undertake to submit to the group established under article IX periodic reports on the legislative, judicial, administrative or other measures that they have adopted and that give effect to the provisions of the Convention.
4. In accordance with article IX of the Convention, the Chairman of the Commission on Human Rights is authorized to appoint a group consisting of three members of the Commission, who are also representatives of States parties to the Convention, to consider reports submitted by States parties in accordance with article VII.
5. The Group of Three appointed by the Chairman of the Commission at its fortieth session, held its eighth (1985) session at the United Nations Office at Geneva from 28 January to 1 February 1985. It had before it a note by the Secretary-General (E/CN.4/1985/26) concerning the implementation of the Convention, as well as reports submitted by eight States parties since its seventh (1984) session which were considered by the Group in the presence of the representatives of the reporting States. A list indicating the status of submission of reports by States parties since the entry into force of the Convention and the sessions at which those reports were considered by the Group of Three appears in annex II below.

GE.85-14163

6. In its report to the Commission on Human Rights at its forty-first session (E/CN.4/1985/27), the Group of Three, inter alia, expressed its appreciation to the representatives of the reporting States for their presence at its meetings and for their participation in its work. The Group considered this practice to be a useful and constructive contribution to its work which should be continued in the future and called upon States parties to provide in their reports more information on the measures they had adopted to give effect to the provisions of article IV of the Convention, or on the difficulties which they may have encountered in the implementation of that article. It also drew the attention of the States parties to the importance of article XI of the Convention and invited them to include in their reports more information on their implementation of the provisions of that article.

7. In its resolution 1985/10 of 26 February 1985, the Commission on Human Rights, inter alia, took note with appreciation of the report of the Group of Three set up under the Convention and in particular the conclusions and recommendations contained in that report; commended those States parties to the Convention that had submitted periodic reports and called upon those States that have not yet done so to submit their reports as soon as possible, in accordance with article VII of the Convention; again urged States which had not yet done so to ratify or accede to the Convention without delay, in particular those States which have jurisdiction over transnational corporations operating in South Africa and in Namibia, and without whose co-operation such operations could not be halted; recommended once again that all States parties should take full account of the general guidelines laid down by the Group of Three in 1978 for the submission of reports; requested once more the Secretary-General to invite the States parties to express their views on the extent and the nature of the responsibility of transnational corporations for the continued existence of the system of apartheid in South Africa; further requested the Secretary-General to invite the States parties to the Convention, the specialized agencies and non-governmental organizations to provide the Commission on Human Rights with relevant information concerning the types of the crime of apartheid, as described in article II of the Convention, committed by transnational corporations operating in South Africa; requested the Group of Three to continue, in the light of the views expressed by States parties to the Convention, the examination of the extent and the nature of the responsibility of transnational corporations for the continued existence of the system of apartheid in South Africa, including legal actions that may be taken under the Convention against transnational corporations whose operations in South Africa come under the crime of apartheid, and to report to the Commission at its forty-second session; and decided that the Group of Three shall meet for a period of not more than five days before the forty-second session of the Commission to consider the reports submitted by States parties in accordance with article VII of the Convention.

8. In a series of notes dated 6 May 1985 the Secretary-General brought to the attention of States concerned, the specialized agencies and non-governmental organizations, the relevant provisions of Commission resolution 1985/10 and requested the States parties to the Convention to submit their reports within the time-limits indicated in Commission resolution 7 (XXXIV),^{1/} and in time for appropriate transmission to the Group of Three at its ninth (1986) session and to the Commission at its forty-second session.

^{1/} By its resolution 7 (XXXIV) of 22 February 1978, the Commission on Human Rights called upon the States parties to submit their initial report under article VII of the Convention not later than two years after becoming parties to the Convention and their periodic reports at two-yearly intervals, with the understanding that they may submit additional information to the Group at any time they wished in the intervening period.

9. By its resolution 40/27 of 29 November 1985, the General Assembly, inter alia, commended those States parties to the Convention that had submitted their reports under article VII of the Convention; appealed once again to those States that have not yet done so to ratify or to accede to the Convention without further delay, in particular those States which have jurisdiction over transnational corporations operating in South Africa and Namibia and without whose co-operation such operations could not be halted; drew the attention of all States to the opinion expressed by the Group of Three in its report that article III of the Convention could apply to the actions of transnational corporations operating in South Africa; further requested the Secretary-General to invite the States parties to the Convention, the specialized agencies and non-governmental organizations to provide the Commission on Human Rights with relevant information concerning the types of the crime of apartheid, as described in article II of the Convention, committed by transnational corporations operating in South Africa; requested the Secretary-General to intensify his efforts through appropriate channels to disseminate information on the Convention and its implementation with a view to promoting further ratification of or accession to the Convention; requested the Commission on Human Rights to intensify, in co-operation with the Special Committee against Apartheid, its efforts to compile periodically the progressive list of individuals, organizations, institutions and representatives of States deemed responsible for crimes enumerated in article II of the Convention, as well as of those against whom or which legal proceedings have been undertaken; requested the Secretary-General to distribute the above-mentioned list among all States parties to the Convention and all Member States and to bring such facts to the attention of the public by all means of mass communication; and appealed to all States, United Nations organs, specialized agencies and international and national non-governmental organizations to step up their activities in enhancing public awareness through denouncing the crimes committed by the racist régime of South Africa.

10. Since the forty-first session of the Commission, the following States parties to the Convention have submitted their reports: Peru (E/CN.4/1986/29/Add.1), Suriname (E/CN.4/1986/29/Add.2), Ecuador (E/CN.4/1986/29/Add.3), Gabon (E/CN.4/1986/29/Add.4), German Democratic Republic (E/CN.4/1986/29/Add.5), Iraq (E/CN.4/1986/29/Add.6), Syrian Arab Republic (E/CN.4/1986/29/Add.7) and Czechoslovakia (E/CN.4/1986/29/Add.8). These reports will be available to the Group of Three for examination at its ninth (1986) session and to the Commission on Human Rights at its forty-second session. Any other reports which may be received by the Secretary-General before the Commission's session will be issued in further addenda to document E/CN.4/1986/29.

ANNEX I

States parties to the International Convention on the Suppression
and Punishment of the Crime of Apartheid

<u>State party</u>	<u>Date of receipt of the instrument of ratification or accession</u>	<u>Entry into force</u>
Afghanistan	6 July 1983 <u>a/</u>	5 August 1983
Algeria	26 May 1982	25 June 1982
Antigua and Barbuda	7 October 1982 <u>a/</u>	6 November 1982
Argentina	7 November 1985	7 December 1985
Bahamas	31 March 1981 <u>a/</u>	30 April 1981
Bangladesh	5 February 1985 <u>a/</u>	7 March 1985
Barbados	7 February 1979 <u>a/</u>	9 March 1979
Benin	30 December 1974	18 July 1976
Bolivia	6 October 1983 <u>a/</u>	5 November 1983
Bulgaria	18 July 1974	18 July 1976
Burkina Faso	24 October 1978	23 November 1978
Burundi	12 July 1978 <u>a/</u>	11 August 1978
Byelorussian Soviet Socialist Republic	2 December 1975	18 July 1976
Cameroon	1 November 1976 <u>a/</u>	1 December 1976
Cape Verde	12 June 1979 <u>a/</u>	12 July 1979
Central African Republic	8 May 1981 <u>a/</u>	7 June 1981
Chad	23 October 1974	18 July 1976
China	18 April 1983 <u>a/</u>	18 May 1983
Congo	5 October 1983 <u>a/</u>	4 November 1983
Cuba	1 February 1977 <u>a/</u>	3 March 1977
Czechoslovakia	25 March 1976	18 July 1976
Democratic Kampuchea	28 July 1981	27 August 1981
Ecuador	12 May 1975	18 July 1976
Egypt	13 June 1977 <u>a/</u>	13 July 1977
El Salvador	30 November 1979 <u>a/</u>	30 December 1979
Ethiopia	19 September 1978 <u>a/</u>	19 October 1978
Gabon	29 February 1980 <u>a/</u>	30 March 1980
Gambia	29 December 1978 <u>a/</u>	28 January 1979
German Democratic Republic	12 August 1974	18 July 1976

a/ Date of accession.

<u>State party</u>	<u>Date of receipt of the instrument of ratification or accession</u>	<u>Entry into force</u>
Ghana	1 August 1978	31 August 1978
Guinea	3 March 1975	18 July 1976
Guyana	30 September 1977 <u>a/</u>	30 October 1977
Haiti	19 December 1977	18 January 1978
Hungary	20 June 1974	18 July 1976
India	22 September 1977 <u>a/</u>	22 October 1977
Iran (Islamic Republic of)	18 April 1985 <u>a/</u>	18 May 1985
Iraq	9 July 1975	18 July 1976
Jamaica	18 February 1977	20 March 1977
Kuwait	23 February 1977 <u>a/</u>	25 March 1977
Lao People's Democratic Republic	5 October 1981 <u>a/</u>	4 November 1981
Lesotho	4 November 1983 <u>a/</u>	4 December 1983
Liberia	5 November 1976 <u>a/</u>	5 December 1976
Libyan Arab Jamahiriya	8 July 1976 <u>a/</u>	7 August 1976
Madagascar	26 May 1977 <u>a/</u>	25 June 1977
Maldives	24 April 1984 <u>a/</u>	24 May 1984
Mali	19 August 1977 <u>a/</u>	18 September 1977
Mexico	4 March 1980 <u>a/</u>	3 April 1980
Mongolia	6 August 1975	18 July 1976
Mozambique	18 April 1983 <u>a/</u>	18 May 1983
Namibia	11 November 1982 <u>a/</u>	11 December 1982
Nepal	12 July 1977 <u>a/</u>	11 August 1977
Nicaragua	28 March 1980 <u>a/</u>	27 April 1980
Niger	28 June 1978 <u>a/</u>	28 July 1978
Nigeria	31 March 1977	30 April 1977
Panama	16 March 1977	15 April 1977
Peru	1 November 1978 <u>a/</u>	1 December 1978
Philippines	24 January 1978	23 February 1978
Poland	15 March 1976	18 July 1976
Qatar	19 March 1975	18 July 1976
Romania	15 August 1978	14 September 1978
Rwanda	23 January 1981	22 February 1981
Saint Vincent and the Grenadines	9 November 1981 <u>a/</u>	9 December 1981

<u>State party</u>	<u>Date of receipt of the instrument of ratification or accession</u>	<u>Entry into force</u>
Sao Tome and Principe	5 October 1979 <u>a/</u>	4 November 1979
Senegal	18 February 1977 <u>a/</u>	20 March 1977
Seychelles	13 February 1978 <u>a/</u>	15 March 1978
Somalia	28 January 1975 <u>a/</u>	18 July 1976
Sri Lanka	18 February 1982 <u>a/</u>	20 March 1982
Sudan	21 March 1977	20 April 1977
Suriname	3 June 1980	3 July 1980
Syrian Arab Republic	18 June 1976	18 July 1976
Togo	24 May 1984 <u>a/</u>	23 June 1984
Trinidad and Tobago	26 October 1979	25 November 1979
Tunisia	21 January 1977 <u>a/</u>	20 February 1977
Ukrainian Soviet Socialist Republic	10 November 1975	18 July 1976
Union of Soviet Socialist Republics	26 November 1975	18 July 1976
United Arab Emirates	15 October 1975	18 July 1976
United Republic of Tanzania	11 June 1976 <u>a/</u>	18 July 1976
Venezuela	28 January 1983 <u>a/</u>	27 February 1983
Viet Nam	9 June 1981 <u>a/</u>	9 July 1981
Yugoslavia	1 July 1975	18 July 1976
Zaire	11 July 1978	10 August 1978
Zambia	14 February 1983 <u>a/</u>	15 March 1983

ANNEX II

Status of submission of reports by States parties since
the entry into force of the Convention

<u>State parties</u>	<u>Documents containing initial and periodic reports, if any</u>	<u>Date of submission</u>	<u>Session at which the report was considered</u>
Afghanistan	-	-	-
Algeria	E/CN.4/1985/26/Add.3	6 August 1984	1985 session
Antigua and Barbuda	-	-	-
Argentina	-	-	-
Bahamas	-	-	-
Bangladesh	-	-	-
Barbados	E/CN.4/1505/Add.1	17 July 1981	1982 session
Benin	-	-	-
Bolivia	-	-	-
Bulgaria	E/CN.4/1277/Add.7 E/CN.4/1353/Add.10 E/CN.4/1983/24/Add.8 E/CN.4/1985/26/Add.6	4 January 1978 5 February 1980 15 December 1982 28 December 1985	1978 session 1981 session 1983 session 1985 session
Burkina Faso	-	-	-
Burundi	E/CN.4/1415/Add.8	12 November 1980	1981 session
Byelorussian Soviet Socialist Republic	E/CN.4/1277/Add.14 E/CN.4/1415/Add.4 E/CN.4/1983/24/Add.13 E/CN.4/1985/26/Add.1	8 February 1978 6 October 1980 25 January 1983 14 May 1984	1979 session 1981 session 1984 session 1985 session
Cameroon	E/CN.4/1277/Add.3	6 October 1977	1978 session
Cape Verde	E/CN.4/1983/24/Add.3 E/CN.4/1984/36/Add.4	25 June 1982 4 August 1983	1983 session 1984 session
Central African Republic	-	-	-
Chad	-	-	-
China	-	-	-
Congo	-	-	-

<u>State parties</u>	<u>Documents containing initial and periodic reports, if any</u>	<u>Date of submission</u>	<u>Session at which the report was considered</u>
Cuba	E/CN.4/1277/Add.8 E/CN.4/1353/Add.7 E/CN.4/1983/24/Add.1 E/CN.4/1984/36/Add.9	3 January 1978 28 January 1980 15 March 1982 2 February 1984	1978 session 1981 session 1983 session 1985 session
Czechoslovakia	E/CN.4/1277/Add.6 E/CN.4/1983/24/Add.5	20 December 1977 20 August 1982	1978 session 1983 session
Democratic Kampuchea	-	-	-
Ecuador	E/CN.4/1983/24/Add.2 E/CN.4/1986/29/Add.3 */	30 April 1982 2 September 1985	1983 session
Egypt	E/CN.4/1415/Add.7/Rev.1 E/CN.4/1984/36/Add.8	12 November 1980 20 December 1983	1981 session 1984 session
El Salvador	E/CN.4/1984/36/Add.2	8 March 1983	1984 session
Ethiopia	-	-	-
Gabon	E/CN.4/1986/29/Add.4 */	23 September 1985	
Gambia	-	-	-
German Democratic Republic	E/CN.4/1277/Add.4 E/CN.4/1353/Add.4 E/CN.4/1505/Add.8 E/CN.4/1986/29/Add.5 */	29 November 1977 7 January 1980 7 December 1981 25 September 1985	1978 session 1980 session 1982 session
Ghana	-	-	-
Guinea	-	-	-
Guyana	-	-	-
Haiti	-	-	-
Hungary	E/CN.4/1277/Add.16 E/CN.4/1353/Add.6 E/CN.4/1505/Add.6 E/CN.4/1984/36/Add.7	14 February 1978 15 January 1980 6 October 1981 16 November 1983	1979 session 1980 session 1982 session 1984 session
India	E/CN.4/1353/Add.5 E/CN.4/1983/24/Add.6	14 January 1980 7 October 1982	1980 session 1983 session

*/ Scheduled for consideration by the Group of Three at its ninth (1986) session.

<u>State parties</u>	<u>Documents containing initial and periodic reports, if any</u>	<u>Date of submission</u>	<u>Session at which the report was considered</u>
Iran (Islamic Republic of)	-	-	-
Iraq	E/CN.4/1353/Add.3 E/CN.4/1505/Add.5 E/CN.4/1983/24/Add.10 E/CN.4/1986/29/Add.6 */	28 December 1979 18 September 1981 30 December 1982 11 November 1985	1980 session 1982 session 1983 session
Jamaica	-	-	-
Kuwait	E/CN.4/1277/Add.1	16 August 1977	1978 session
Lao People's Democratic Republic	-	-	-
Lesotho	-	-	-
Liberia	-	-	-
Libyan Arab Jamahiriya	-	-	-
Madagascar	E/CN.4/1277/Add.13 E/CN.4/1985/26/Add.4	31 January 1978 20 September 1984	1979 session 1985 session
Maldives	-	-	-
Mali	E/CN.4/1415/Add.3	5 September 1980	1981 session
Mexico	E/CN.4/1505/Add.3	24 August 1981	1982 session
Mongolia	E/CN.4/1505/Add.7 E/CN.4/1984/36/Add.5	27 October 1981 5 August 1983	1982 session 1984 session
Mozambique	-	-	-
Namibia	-	-	-
Nepal	-	-	-
Nicaragua	-	-	-
Niger	-	-	-
Nigeria	E/CN.4/1277/Add.12 E/CN.4/1415/Add.9	1 February 1978 22 January 1981	1978 session 1981 session

*/ Ibid.

<u>State parties</u>	<u>Documents containing initial and periodic reports, if any</u>	<u>Date of submission</u>	<u>Session at which the report was considered</u>
Panama	E/CN.4/1277/Add.2	31 August 1977	1978 session
Peru	E/CN.4/1983/24/Add.12 E/CN.4/1986/29/Add.1 */	31 December 1982 15 July 1985	1983 session
Philippines	E/CN.4/1984/36/Add.1	9 February 1983	1984 session
Poland	E/CN.4/1277/Add.15 E/CN.4/1353/Add.11 E/CN.4/1983/24/Add.9	10 February 1978 10 March 1980 17 December 1982	1979 session 1981 session 1983 session
Qatar	E/CN.4/1415/Add.1 E/CN.4/1505/Add.4 E/CN.4/1984/36/Add.3	25 June 1980 15 September 1981 22 July 1983	1981 session 1982 session 1984 session
Romania	E/CN.4/1415/Add.6	3 November 1980	1981 session
Rwanda	E/CN.4/1984/36/Add.6	14 October 1983	1984 session
Saint Vincent and the Grenadines	E/CN.4/1983/24/Add.4	30 June 1982	1983 session
Sao Tome and Principe	-	-	-
Senegal	E/CN.4/1277/Add.10	11 January 1978	1978 session
Seychelles	-	-	-
Somalia	-	-	-
Sri Lanka	-	-	-
Sudan	-	-	-
Suriname	E/CN.4/1986/29/Add.2 */	21 August 1985	
Syrian Arab Republic	E/CN.4/1277/Add.9 E/CN.4/1353/Add.2 E/CN.4/1505/Add.10 E/CN.4/1986/29/Add.7 */	9 January 1978 18 December 1979 18 January 1982 8 November 1985	1978 session 1980 session 1982 session
Togo	-	-	-
Trinidad and Tobago	-	-	-

*/ Ibid.

<u>State parties</u>	<u>Documents containing initial and periodic reports, if any</u>	<u>Date of submission</u>	<u>Session at which the report was considered</u>
Tunisia	E/CN.4/1353/Add.9 E/CN.4/1983/24/Add.14	30 January 1980 14 February 1983	1981 session 1984 session
Ukrainian Soviet Socialist Republic	E/CN.4/1277/Add.17 E/CN.4/1415/Add.5 E/CN.4/1983/24/Add.11 E/CN.4/1985/26/Add.5	17 March 1978 28 October 1980 10 January 1983 20 December 1984	1979 session 1981 session 1983 session 1985 session
Union of Soviet Socialist Republics	E/CN.4/1277/Add.11 E/CN.4/1415/Add.2 E/CN.4/1505/Add.9 E/CN.4/1984/36/Add.10	20 January 1978 25 August 1980 17 December 1981 13 February 1984	1978 session 1981 session 1982 session 1985 session
United Arab Emirates	E/CN.4/1277/Add.5 E/CN.4/1353/Add.1 E/CN.4/1505/Add.2	9 December 1977 23 July 1979 5 August 1981	1978 session 1980 session 1982 session
United Republic of Tanzania	-	-	-
Venezuela	-	-	-
Viet Nam	-	-	-
Yugoslavia	E/CN.4/1353/Add.8 E/CN.4/1983/24/Add.7 E/CN.4/1985/26/Add.2	28 January 1980 14 December 1982 24 July 1984	1981 session 1983 session 1985 session
Zaire	-	-	-
Zambia	-	-	-

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COMMISSION ON HUMAN RIGHTS
Forty-second session

IMPLEMENTATION OF THE INTERNATIONAL CONVENTION ON THE
SUPPRESSION AND PUNISHMENT OF THE CRIME OF APARTHEID

Reports submitted by States parties under
article VII of the Convention

Addendum

PERU 1/

[Original: Spanish]

[15 July 1985]

Article 80 of the Constitution establishes, among other duties of the State, that of guaranteeing the full exercise of human rights. A special role in fulfilling this mandate is played by the judiciary; by the Office of the Government Attorney, which ensures the independence of judicial bodies and acts as the defender of the people before the administration; and by the National Elections Board, the Court of Constitutional Guarantees and the Commission on Human Rights of the Chamber of Deputies.

In order better to guarantee the full exercise of human rights, the legislative bodies have enacted a set of laws relating, for example, to suffrage for illiterate persons, measures to speed up the judicial process, the establishment of the Reprieve Assessment Commission, the Organizational Law on the Office of the Government Attorney the law re-establishing the Ministry of Justice and the Organizational Law on the Court of Constitutional Guarantees. In addition to these provisions, there is a new amparo and habeas corpus act; these laws are all designed to guarantee the full exercise of human rights. Parliament is also studying a number of bills and draft codes which must be brought into line with the new mandates of the Constitution currently in force in Peru.

Peru is a zealous defender of human rights and the legislative bodies are currently faced with the challenge either of giving the country new provisions to improve the implementation of the relevant provisions of the Constitution or of adapting already existing ones.

Peru fulfils the obligations it has contracted as a State Party to the International Convention on the Suppression and Punishment of the Crime of Apartheid.

1/ The initial report submitted by the Government of Peru (E/CN.4/1983/24/Add.12) was considered by the Group of Three at its 1983 session.

In accordance with the provisions contained in the Convention, we shall give further information on the following points, in keeping with the questionnaire submitted on the subject:

I. Information on any legislative, judicial, administrative or other measures taken to implement the following provisions of the Convention.

(a) That apartheid is a crime against humanity and that inhuman acts resulting from the policies and practices of apartheid and similar policies and practices of racial segregation and discrimination, as defined in article II of the Convention, are crimes violating the principles of international law, in particular the purposes and principles of the Charter of the United Nations, and constituting a serious threat to international peace and security.

It should be repeated that Peru considers apartheid to be a crime against humanity, as defined in the Convention, since, in accordance with the Peruvian Constitution, the Convention is part of national legislation with the same status as a constitutional norm and Peru therefore also regards apartheid as a serious violation of international law and of the principles embodied in the Charter of the United Nations.

In this connection, it should be pointed out that article 2 of the Peruvian Constitution states that every individual has the right "To equality before the law, without any discrimination based on sex, race, religion, opinion or language. Men and women have equal opportunities and responsibilities. The law recognizes that the rights of women are no fewer than those of men".

It should also be pointed out that, in Peru, it is prohibited to mention a person's race in any public document. Furthermore, article 1, paragraph (e) of the new Education Act of 10 May 1982 stipulates that "all forms of discrimination based on the sex, race, religious belief, political affiliation, language, occupation, marital status or social or economic status of a pupil or his parents are prohibited and shall be liable to punishment".

(b) Those organizations, institutions and individuals committing the crime of apartheid are considered to be criminals.

For the reasons indicated in the preceding paragraph, this aspect of the Convention forms part of the internal legal order of Peru.

(c) The obligation, laid down in article IV (b) of the Convention, to adopt legislative, judicial and administrative measures to prosecute, bring to trial and punish in accordance with their jurisdiction persons responsible for, or accused of, the acts defined in article II of the Convention, whether or not such persons reside in the territory of the State in which the acts are committed or are nationals of that State or of some other State or are stateless persons.

(d) The article of the Convention according to which international criminal responsibility shall apply, irrespective of the motive involved, to individuals, members of organizations and institutions and representatives of the State, whether residing in the territory of the State in which the acts are perpetrated or in some other State, whenever they: (a) Commit, participate in, directly incite or conspire in the commission of the acts mentioned in article II of the Convention; (b) Directly abet, encourage or co-operate in the commission of the crime of apartheid.

(e) The undertaking provided for in article XI of the Convention of granting extradition in accordance with their legislation and with the treaties in force, in the cases listed in article II of the Convention.

With regard to these points, it should be noted that, according to article 2 paragraph (2), of the Constitution, every individual has the right to equality before the law and penal provisions therefore apply to Peruvians and foreigners alike.

Article 109 of the Constitution establishes that "Extradition may be granted only by the executive power following a report by the Supreme Court. Political crimes or related actions cannot be the basis of extradition. Acts of terrorism, the assassination of an official and genocide are not considered as such. Extradition shall be denied if there is sufficient legal evidence to consider that extradition was requested for the purpose of persecuting or punishing an individual for reasons of race, religion, nationality or opinion".

(f) The obligation laid down in article IV (a) of the Convention to adopt any legislative or other measures necessary to suppress as well as to prevent any encouragement of the crime of apartheid and similar segregationist policies or their manifestations and to punish persons guilty of that crime.

Under our legal order, acts contrary to constitutional norms are null and void. This also applies to the provisions of the Convention, which, as stated above, have the status of constitutional norms.

In addition to the foregoing and in keeping with the internal legal order, as stated above, appeals may be made not only to local judicial authorities, but also to international courts or bodies under treaties to which Peru is a party, as stated in article 305 of the Constitution.

II. Information on any legislative, judicial, administrative or other measures taken to fulfil the obligation laid down in article VI of the Convention to accept and carry out in accordance with the Charter of the United Nations the decisions taken by the Security Council aimed at the prevention, suppression and punishment of the crime of apartheid and to co-operate in the implementation of decisions adopted by other competent organs of the United Nations with a view to achieving the purposes of the Convention.

Peru is a party to the International Convention on the Elimination of All Forms of Racial Discrimination, as well as to the International Convention on the Suppression and Punishment of the Crime of Apartheid. In keeping with its policy of full respect for fundamental human rights and freedoms without distinction as to race, sex or religious or political beliefs, Peru has recognized the competence of the Committee on the Elimination of Racial Discrimination and, consequently, has made the declaration provided for in article 14 of the International Convention on the Elimination of All Forms of Racial Discrimination.

Article 88 of the Constitution provides that "The State rejects all forms of imperialism, colonialism, neo-colonialism and racial discrimination. It is united with the oppressed peoples of the world".

In line with its position of rejecting all forms of racism and racial discrimination, Peru has supported resolutions of the United Nations and other international bodies demanding the elimination of apartheid. It also supports the agreements relating to the Programme of Action against Apartheid.

As a member of the Special Committee against Apartheid, moreover, Peru participates actively in the work of that Special Committee for the purpose of bringing about the eradication of that system, which is contrary to tradition and is an affront to the dignity of all human beings. Peru has also participated in the two World Conferences to Combat Racism and Racial Discrimination.

It should also be pointed out that:

1. Peru maintains no political, cultural, sports or trade relations with the Government of South Africa; it thus has no agreements of any kind with that country.
2. The Government of Peru has made no investments in South Africa and there are no credit guarantees or permits for investments by private enterprises in South Africa.
3. There is no emigration of Peruvian nationals to South Africa.
4. Travel to South Africa for the purposes of tourism is neither promoted nor facilitated in Peru.
5. In view of its economic situation, Peru cannot give economic assistance to African countries, but it is constantly alive to the problems faced by African countries which are forced to maintain ties with South Africa.
6. Peru does not recognize the "bantustans" and makes no investment whatever in them.
7. Peru recognizes the efforts of the liberation and workers' movements of the black majority struggling for the realization of human rights in South Africa and Namibia. Such recognition is not tantamount to advocacy of the use of violence.
8. There are no obstacles in Peru to participation by trade unions in solidarity actions with workers struggling against apartheid.

(a) States parties should in so far as possible try to identify in their periodic reports individuals, organizations, institutions and representatives of States which are alleged to be responsible for the crimes enumerated in article II of the Convention, as well as persons against whom the State is a Party to the Convention.

(b) Where necessary, reports should contain the decisions of the competent court or tribunal of the State party relating to cases which come under article XI of the Convention.

No cases relating to these last two points have occurred in Peru. Article 22 of the Constitution provides for the systematic teaching of the Constitution and of human rights in civilian and military educational institutions at all levels.

In order to promote better understanding of the position which Peru maintains in international bodies with regard to the problem of apartheid, the text of the statement made by the Prime Minister and Minister for External Relations of Peru on 10 June 1985 at the extraordinary meeting of the Security Council on the problem of Namibia */ is attached herewith.

*/ This statement is reproduced in Security Council document S/PV.2583, which is available to the members of the Group of Three in the secretariat files, in English, French and Spanish.

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Reports submitted by States parties under
article VII of the Convention

Addendum

SURINAME

[Original: English]

[21 August 1985]

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The phenomenon of apartheid does not exist within the Surinamese society. The legislation of Suriname has enacted provisions to take action in cases of discrimination and apartheid.

The decree concerning basic rights and duties of the population of Suriname (Decree 411, 1982 No.63) which entered into force on 30 March 1982, contains many provisions regarding equality of all citizens. Therefore, there was no need for the State to pursue a specific policy in this respect nor was it necessary to take specific juridical, administrative and practical measures to combat apartheid.

The Government of the Republic of Suriname is of the opinion that apartheid is a crime against humanity and a violation of the principles of international law and that it must be considered a serious threat against international peace and security.

For these reasons the Government of the Republic of Suriname is of the opinion that the fight against apartheid is a task of the international community.

...

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article VII of the Convention

Addendum

ECUADOR 1/

[Original: Spanish]

[2 September 1985]

Pursuant to the provisions of article VII of the International Convention on the Suppression and Punishment of the Crime of Apartheid, and in its capacity as a State which has signed and ratified the said Convention, Ecuador is submitting for consideration by the Special Committee against Apartheid its report on the application of that Convention.

No policies or practices of discrimination or racial segregation exist on Ecuadorian territory. Thus, the Constitution of the State, which was approved by the people of Ecuador in full exercise of its sovereign right through a referendum held on 15 January 1978 and which has been in force since 10 August 1979, condemns such inhuman practices and policies.

In fact, article 4 of the Constitution provides that: "The Ecuadorian State condemns all forms of colonialism, neo-colonialism and racial discrimination or segregation. It recognizes the right of peoples to free themselves from these oppressive systems".

Furthermore, article 19 of the Constitution, concerning the rights of the individual, declares that every person is guaranteed equality before the law and accordingly prohibits any discrimination on grounds of race, colour, sex, language, religion, descent, political or other opinions, social origin, economic status or birth.

1/ The initial report submitted by the Government of Ecuador (E/CN.4/1983/24/Add.2) was considered by the Group of Three at its 1983 session.

The said article guarantees the inviolability of life and personal integrity and the right to full material and moral development; the right to freedom of opinion and expression of thought using any means of communication, without prejudice to civil and criminal responsibilities; the right to honour and to a good reputation; freedom of conscience and of religion, both individual and collective, in public or in private; the right to travel freely through the national territory and to select a place of residence; the right to a level of life which ensures health, food, clothing, housing, medical care and the necessary social services; personal freedom and security and freedom of contract, freedom of work and the right of association, these latter guarantees being fully regulated in the current Labour Code.

Paragraph 16 of the same article 19, guaranteeing the freedom and security of every individual, prohibits slavery and servitude in all their forms, for it is the primary duty of the State to ensure respect for human rights, the fundamental human freedoms, and to promote the economic, social and cultural progress of the country's inhabitants, the latter being possible only on the basis of the former.

In this connection, the Minister for Foreign Affairs of Ecuador made the following statement to the United Nations General Assembly:

"Since its accession to independence, Ecuador has been a constant defender of the freedom of man. It was one of the first countries to abolish slavery entirely, within a process which sprang from the genius of the ideas of Bolívar, the Liberator, when we were part of Gran Colombia. In 1851, Ecuador eliminated the last remnants of the slave system. The eradication of racial discrimination has also been the subject of considerable legislation throughout Ecuador's history and it is fully enshrined in the Political Constitution of the State".

The Constitution of the State provides, in article 19, subparagraph 16 (j) for the right of habeas corpus in the following terms:

"Any person who considers that he has been illegally deprived of his freedom may avail himself of the remedy of habeas corpus. He may exercise this right either personally or through another person, without need of a written order, by applying to the magistrate or President of the Council in his jurisdiction or whoever may be acting for him. The municipal authority shall immediately order the petitioner to be brought before it and the arrest warrant to be produced. Its instructions shall be obeyed without comments or excuses by the officials in charge of the prison or place of detention. When he has been informed of the background to the case, the magistrate or President of the Council shall, within a period of 48 hours, order the immediate release of the petitioner, in the event of the detainee not being brought before him, or the order not being produced or not being in keeping with the legal requirements, or of a lack of due process or, finally, in the event of the appeal having been substantiated. Any official or employee who does not comply with the order shall be dismissed forthwith from his post or employment without any further formalities by the magistrate or the President of the Council, who shall report the dismissal to the Comptroller and to the authority which is required to appoint his replacement. After having released the prisoner, the employee concerned may appeal against his dismissal to the Administrative Tribunal within eight days of being notified thereof".

On the other hand, in the event of a violation of the above-mentioned constitutional provisions, any citizen affected can have recourse, without distinction, either to the courts and tribunals of the Republic or to the Committee on the Elimination of Racial Discrimination, whose competence was recognized by Ecuador through a special declaration made on 21 March 1977.

Article 44 of the Constitution of Ecuador stipulates that the State guarantees to all individuals who are subject to its jurisdiction, whether men or women, free and effective exercise and enjoyment of the civil, political, economic, social and cultural rights set forth in the declarations, covenants, conventions and other international instruments in force.

Lastly, in the event that the members of the Special Committee against Apartheid so desire, the Government of Ecuador would be pleased to amplify the contents of this report or answer any questions that may be posed upon the subject.

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article VII of the Convention

Addendum

GABON

[Original: French]

[23 September 1985]

Gabon reaffirms its support for resolution 3068 (XXVIII) relating to the International Convention on the Suppression and Punishment of the Crime of Apartheid, just as it has always firmly supported the struggle against the difficult problem of racial discrimination and the violation of human rights and fundamental freedoms, since all these questions are closely interrelated.

However, with regard to more specific cases of the implementation of this Convention, to which our country is a party, we need hardly recall the great importance that the Gabonese authorities attach to these provisions, which undeniably constitute an encouraging legal framework for the search for ways to eradicate the crime of apartheid completely in the near future.

The position of the Gabonese authorities on this point remains consistent. It is first of all based on the unequivocal condemnation of all friendly countries co-operating with the racist, criminal régime of South Africa in different areas.

In keeping with this position, Gabon scrupulously respects the trade embargo against South Africa.

Irrefutable proof of this position is found in a report on secret oil deliveries to South Africa during 1981-1982 prepared by the "Shipping Research Bureau", a Netherlands-based organization whose goal is to denounce violations of the oil embargo against South Africa.

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On page 2 of the report it is most clearly indicated that "No company known to be connected with any of the 57 tankers [having transported oil to South Africa] is based in your country, and none of the 57 tankers travelling to South Africa originated in your country; therefore, your country is not mentioned in the report".

The study conducted by the above-mentioned organization therefore provides irrefutable proof of Gabon's behaviour towards countries co-operating with the racist régime of South Africa.

It should also be recalled that Gabon is aware that apartheid and all related acts and practices constitute a crime against humanity and that this scourge is contrary to the norms of international law.

Furthermore, in implementation of article IV of the Convention, the Gabonese Government has decided to direct its efforts towards concrete measures to express its approval of the above-mentioned instruments and to reaffirm its full support for the black community living in southern Africa.

These measures, which are both legislative and statutory in nature and occur at the national and international levels, are the following:

I. AT THE NATIONAL LEVEL

The Gabonese Constitution, in article 1(8), stipulates:

"Any act of racial, ethnic, religious or cultural discrimination and any regionalist propaganda which threatens the internal security of the State or the life of individuals shall be punishable by law."

At the same time, the Gabonese Penal Code laid down by Act No. 21/63 of 31 May 1963 stipulates in article 88: "Anyone who instigates racial, religious or tribal hatred shall be liable to a prison term of six (6) months to five (5) years and a fine of from 24,000 to 250,000 CFA francs".

In the framework of these internal measures, it is also important to mention that Gabon has received 10 refugee students from southern Africa in its territory.

Under Decree No. 01129/PR/MENSJSL of 7 November 1977 concerning the situation of these students, they are exempt from payment of tuition fees and enjoy the same treatment as nationals at Omar Bongo University, in accordance with the principles adopted by the United Nations governing the status of refugees. In the same connection, it should be pointed out that they are only required to pay registration fees in the establishments receiving them.

In addition to the above-mentioned measures, the Gabonese media play an important role by broadcasting a series of programmes to sensitize public opinion to the situation constantly prevailing in southern Africa, a part of the African continent where our country maintains excellent relations of friendship and co-operation with most brother countries.

II. AT THE INTERNATIONAL LEVEL

Also aware that any real progress towards the genuine suppression or severe punishment of the crime of apartheid necessarily requires protection of and strict respect for human rights, not only has Gabon always supported the action of the Organization of African Unity (OAU) and the United Nations in this area, but it has also acceded to the major international instruments adopted to that end by those bodies.

In this regard, we would make special mention of the following United Nations instruments:

International Convention on the Suppression and Punishment of the Crime of Apartheid;

Universal Declaration of Human Rights, adopted in 1948;

International Convention on the Elimination of All Forms of Racial Discrimination, adopted on 21 December 1965;

The International Covenants on Economic, Social and Cultural Rights and on Civil and Political Rights, both adopted in 1966.

As part of the same policy, our country has performed the obligations deriving from the United Nations Decade for Action to Combat Racism and Racial Discrimination, proclaimed from 1973 to 1983.

At the regional level, mention should be made of the OAU African Charter on Human and Peoples' Rights adopted at Nairobi on 25 June 1981.

In addition, Gabon is participating in the functioning of the Solidarity Fund instituted by the OAU Liberation Committee. Gabonese participation in the Fund during the period from 1 June 1981 to 31 May 1982 amounted to \$US 645,060, out of a total of \$US 3,082 million received from the African States as a whole.

It may be of some interest to note that our country distinguished itself during this period by being the third highest contributor after friendly countries such as Algeria (\$US 826,477.03) and Zaire (\$US 662,922.84).

Finally, Gabon also supports the liberation movements recognized by OAU, especially the African National Congress and the Pan-African Congress.

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Reports submitted by States parties
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Addendum

GERMAN DEMOCRATIC REPUBLIC 1/

[Original: English]

[25 September 1985]

The German Democratic Republic resolutely condemns the policy of racialism and racial segregation pursued by the ruling circles of South Africa in defiance of the letter and spirit of the Charter of the United Nations.

Not only is the South African apartheid régime guilty of the brutal and massive violation of even most elementary human rights, it also endangers world peace and international security through its continued acts of aggression, destabilization and State terrorism against independent neighbouring countries as well as through its constant military build-up. Flouting all relevant Security Council and General Assembly resolutions, particularly Security Council resolution 435 (1978), Pretoria continues its illegal occupation of Namibia, seeking to further delay the country's independence by installing a so-called transitional Government.

With indignation and abhorrence the people and Government of the socialist German State denounce the racist régime's reign of terror which has been intensified over the last few months. The German Democratic Republic unreservedly supports all decisions of the Security Council and resolutions of the General Assembly that are aimed at putting an end to the policy of apartheid. This became manifest once again in the position it took at the recent Security Council meetings on the conflict in southern Africa sharpened as a result of South Africa's policy.

1/ The initial, second and third reports submitted by the Government of the German Democratic Republic (E/CN.4/1277/Add.4, E/CN.4/1353/Add.4 and E/CN.4/1505/Add.8) were considered by the Group of Three at its 1978, 1980 and 1982 sessions.

The German Democratic Republic, which from its very inception has persistently pursued an anti-Fascist and anti-racist policy, soon after its admission to the United Nations Organization became a member of the Special Committee against Apartheid and a party to the International Convention on the Suppression and Punishment of the Crime of Apartheid.

In the three periodic reports (E/CN.4/1277/Add.4, E/CN.4/1353/Add.4, E/CN.4/1502/Add.8) which the German Democratic Republic has so far transmitted to the Group of Three detailed information was given on national legislation relating to the above-mentioned Convention, on the position taken by the German Democratic Republic in international organizations and on the wide-ranging activities undertaken by the Government and the people of the German Democratic Republic in token of their solidarity with all who are fighting against colonialism, racism and apartheid.

The Government of the German Democratic Republic attaches great importance to the International Convention on the Suppression and Punishment of the Crime of Apartheid. The work of the Group of Three, which was established pursuant to Article IX of the Convention, meets with high appreciation. The list of apartheid criminals compiled so far with substantial assistance from the said Group, in the view of the German Democratic Republic, is a first and commendable step towards the implementation of the Convention.

The German Democratic Republic fully shares the view that apartheid is a form of genocide as expressed by the Group of Three and reaffirmed by the Commission on Human Rights in its resolution 1985/10 adopted at its forty-first session. The socialist German State took the necessary legislative and other measures to ensure that such crimes are liable to punishment.

Pursuant to Article 91 of the Constitution of the German Democratic Republic the generally recognized norms of international law relating to punishment of crimes against the peace, against humanity and war crimes are applicable law. Already the third report of the German Democratic Republic on the implementation of the Anti-Apartheid Convention (E/CN.4/1502/Add.8) provided detailed information on how that constitutional provision was specified in paragraph 91 of the German Democratic Republic Penal Code, which provides that all acts which may be qualified as acts of genocide are liable to punishment. The German Democratic Republic acceded to the Convention on the Prevention and Punishment of the Crime of Genocide at the earliest opportunity.

The German Democratic Republic shares the view held by the Group of Three that the apartheid régime is of a Fascist nature. The peril emanating from the apartheid State imposes on all States the obligation to decisively intensify the struggle against that anachronism of our century. Further investigations of the Fascist system in South Africa by the Group of Three would be a valuable contribution.

The socialist German State has always opposed any collaboration with South Africa. It fully associates itself with the conclusion drawn by the General Assembly on several occasions that such collaboration is a main obstacle to the eradication of apartheid. It is not least due to that collaboration that the white minority régime in South Africa is kept alive and that encouragement is given to its inhuman policies of apartheid and colonial occupation, of exploiting and oppressing Namibia as well as its acts of destabilization against the sovereign neighbouring States. Such practices show very clearly how closely the military, strategic, economic and profiteering interests of the imperialist States and their corporations are interrelated.

The German Democratic Republic holds that the responsibility for the commission of the crime of apartheid established in the International Convention on the Suppression and Punishment of the Crime of Apartheid also applies to transnational corporations. It is obvious that transnational corporations "directly abet, encourage or co-operate in the commission of the crime of apartheid", as is noted in Article III of the Convention. Already in its resolution 34/93 A the General Assembly declared any collaboration with the racist régime and with institutions of apartheid to be a hostile act against the purposes and principles of the Charter of the United Nations and a threat to international peace and security. In resolution 39/42 the General Assembly reaffirmed that all those economic and other relations with South Africa which impede the elimination of colonialism and apartheid in southern Africa are in contravention of the Charter. These perceptions are fully endorsed by the German Democratic Republic. In its resolution 35/39 the General Assembly had for the first time called upon the Commission on Human Rights to take account in further complementing the list of perpetrators of the crime of apartheid, also of those resolutions and instruments which, inter alia, denounce the complicity of transnational corporations and banks with the régime of apartheid. In this context, the Government of the German Democratic Republic points out that in Article I, paragraph 2, the States parties to the International Convention on the Suppression and Punishment of the Crime of Apartheid declare criminal also organizations and institutions committing the crime of apartheid. No doubt, that provision is applicable to transnational corporations.

Moreover, Article X of the Convention expressly empowers the Commission on Human Rights to prepare a list of organizations and institutions that bear responsibility for the crime of apartheid.

An element of the responsibility of transnational corporations should be their liability for damages or their expropriation in favour of the people of South Africa or Namibia when one day the apartheid régime will have been eliminated or when Namibia will have gained independence. The existence of a right to claim compensation in connection with the crime of apartheid has expressly been affirmed on several occasions by the United Nations, for instance in its resolutions 3336 (XXIX), 33/182 A, 38/39 C as well as in the Decree No. 1 of the United Nations Council for Namibia.

Activities designed to discover such transnational corporations and banks as participate in racist exploitation in South Africa and Namibia or render assistance in some form or other to the apartheid régime are extremely important with a view to registering and securing assets that can be used to settle the compensation claims of the people of South Africa and Namibia and of the States directly affected by South African acts of aggression. The reports submitted by Mr. Khalifa on corporations collaborating with South Africa are very helpful in this effort.

However, the responsibility of transnational corporations for their participation in crimes of apartheid should take effect before the racist régime is eliminated. The German Democratic Republic, at this point, draws attention to the need of making immediate and full use of the possibilities of national jurisdiction concerning the responsibility of collaborating corporations.

In this respect, the German Democratic Republic starts out from the duty of States as reaffirmed in various resolutions of the General Assembly to prevent corporations under their jurisdiction from collaborating with the apartheid

régime or with institutions of South Africa. States which fail to do so have to assume full responsibility under international law.

In resolution 39/42 the General Assembly again called upon States to take all necessary measures, including legislative ones, to ensure the severance of all relations with South Africa. The German Democratic Republic, which voted for that resolution, holds the view that legal action against transnational corporations and banks on account of their collaboration with South Africa would be greatly conducive to the struggle of the people of South Africa and Namibia against the racist régime as well as to the efforts of the United Nations to eliminate the policy of apartheid.

The German Democratic Republic will continue to help unmask every instance of complicity with the régime of apartheid. One way of doing so, it feels, is the adoption of General Assembly resolutions on the status of the International Convention on the Suppression and Punishment of the Crime of Apartheid, an instrument for which the German Democratic Republic in its capacity as author will make special efforts also in future.

The socialist German State emphatically supports the growing international call for the imposition of comprehensive sanctions on South Africa pursuant to Chapter VII of the Charter. It welcomes the weapons embargo imposed on Pretoria in accordance with Security Council resolution 418 (1977). The German Democratic Republic reaffirms that it does not maintain any relations with South Africa, neither in the political, economic or military nor in any other field. This is in line with what has always been a policy of principled support of the peoples' struggle for peace, security and social progress, against imperialist predominance, racism and apartheid. The German Democratic Republic will continue to practise firm solidarity with the oppressed people of South Africa and Namibia led by their representatives, ANC and SWAPO, in their just struggle.

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Addendum

IRAQ^{1/}

[11 November 1985]

^{1/} The initial, second and third reports submitted by the Government of Iraq (E/CN.4/1353/Add.3, E/CN.4/1505/Add.5 and E/CN.4/1983/24/Add.10) were considered by the Group of Three at its 1980, 1982 and 1983 sessions respectively.

This report is based on the guidelines adopted in 1978 by the Group of Three assigned to study the reports of States and also on Commission on Human Rights resolution 1985/10 of 26 February 1985.

I. The legal status of the crime of apartheid and of organizations that advocate it

(a) In affirmation of the fact that it regards apartheid as a crime against humanity, Iraq has acceded to the International Convention on the Suppression and Punishment of the Crime of Apartheid, article I of which designates apartheid as a crime against humanity, a challenge to the imperative rules of international law, a violation of the purposes and principles of the Charter of the United Nations, and a threat to international peace and security.

Iraq shares the view expressed by the Commission on Human Rights in its resolution 1985/10 that the crime of apartheid is a form of genocide punishable under the provisions of the Convention on the Prevention and Punishment of the Crime of Genocide, which was promulgated by the General Assembly of the United Nations on 9 December 1948 and has been ratified by Iraq. In fact, the crime of apartheid, as defined in article II of the International Convention on the Suppression and Punishment of the Crime of Apartheid, has much in common with the crime of genocide as defined in article II of the Convention on the Prevention and Punishment of the Crime of Genocide.

Iraq's view of apartheid as a crime against humanity has been emphasized in all international forums and conferences, particularly at the recent Second World Conference to Combat Racism and Racial Discrimination held at Geneva in August 1983, in which Iraq participated effectively on the Drafting Committee. Iraq has also voted at all sessions of the General Assembly of the United Nations in favour of regarding apartheid as a crime against humanity.

(b) Iraq regards all organizations and individuals advocating racial discrimination as perpetrators of offences punishable under the following articles of the Penal Code:

Article 200: "Any person who provokes, propagates or stirs up confessional or sectarian bigotry, incites others to engage in intercommunal or inter-racial conflict, or arouses feelings of hatred and animosity among the people of Iraq shall be punished by imprisonment for a period of up to seven years".

Article 203: "Any person who provides financial, material or moral support with a view to encouraging others to commit any of the offences specified in article 200 shall be punished by imprisonment for a period of up to seven years".

The illegal nature of racist organizations

The establishment of a racist organization is an illegal act punishable under article 204 of the Penal Code, which stipulates:

"Any person in Iraq who establishes any association, body or organization attempting to mobilize or propagate confessional bigotry, who incites others to engage in intercommunal conflict or who arouses feelings of hatred and animosity among the population of Iraq shall be punished by imprisonment for a period of up to 15 years, together with a fine not exceeding 1,000 dinars; any person who joins such organization or body shall be punished by imprisonment for a period of up to 10 years".

Prohibition of the practice of racist policies by public or local authorities

The prohibition and punishment of the encouragement of racism applies to all individuals and bodies corporate, including the State institutions, public and local authorities and the information media, all of which are governed by the authoritative provisions of the Constitution and legislation of Iraq.

II. Information concerning the punishment and extradition of persons guilty of the crime of apartheid

(a) As already mentioned in the first section of this report, racial discrimination, which obviously includes apartheid, is regarded as a punishable offence.

In the event of the occurrence of an act of racial discrimination, the victim or injured party may be an individual, a group or an entire community.

In such a case, criminal proceedings would be instituted, in accordance with article 1 of the Code of Criminal Procedure promulgated in Act No. 23 of 1971, through the submission of a verbal or written complaint to an examining magistrate, an investigating official, a police officer or any member of the judiciary by the injured party, the latter's legal representative or any person having knowledge of the occurrence of the act. Alternatively, proceedings may be instituted on the basis of information received by the Department of Public Prosecutions.

Under article 2 of the above-mentioned Act, such criminal proceedings cannot be halted, suspended or waived except in the circumstances specified in the Act.

It should be noted that, in Iraq, racial discrimination is not an offence in which a complaint must be submitted by the victim before criminal proceedings can be instituted against the offender. Such offences, an exhaustive list of which is contained in article 3 of the Code of Criminal Procedure, do not include racial discrimination.

In accordance with article 10 of the Code, once public criminal proceedings have been instituted, any person who has suffered direct material or moral damage as a result of any offence, including racial discrimination, is entitled to file a civil suit against the party accused of, or held liable for, the offence.

Under article 9, paragraph 1, of the Code of Criminal Procedure, the submission of a complaint is, in itself, equivalent to the filing of a civil suit.

Under article 224, paragraph (a), of the Code of Criminal Procedure, the judgement delivered by the criminal court hearing the case must award compensation to the party which has suffered material or moral damage.

If the offence has been committed by way of publication in a newspaper, the court may, at the request of the Department of Public Prosecutions or the injured party, order the publication of the judgement or a summary thereof in the same place in the newspaper concerned. In the event of a newspaper being convicted of an offence, the court may order it to suspend publication for a period of up to three months.

Judgements delivered by the courts are executed in accordance with the regulations laid down in chapter V of the Code of Criminal Procedure (arts. 280 et seq.) and civil damages are awarded in the manner prescribed by law.

With regard to the Convention forming the subject of this report, it should be noted that the jurisdiction of the Iraqi courts covers offences of racial discrimination committed not only inside but outside Iraq. This is consistent with article V of the Convention.

(b) The provisions referred to in section (a) above apply to individuals, organizations and companies, whose officials are punishable for any crimes against humanity that they may commit. In this connection, we wish to point out that Iraq's conception of the liability of multinational corporations is in keeping with paragraphs 12 and 14 of Commission on Human Rights resolution 1985/10 and paragraphs 38 and 39 of the report of the Group of Three for the year 1985.

Iraq believes that the apartheid system in South Africa is being perpetuated by the following factors:

1. The relations that are being maintained in the economic, scientific and atomic fields between South Africa and various States, including, in particular, the Zionist entity, since Israel persists in maintaining relations with South Africa in spite of the categorical disapproval voiced by the international community.
2. The manner in which transnational corporations are helping to perpetuate the racist régime in South Africa. From the legal standpoint, therefore, these corporations should be regarded as aiding and abetting commission of the crime of apartheid and, consequently, their officials should be prosecuted.

(c) Iraq regards the provisions of the International Convention on the Suppression and Punishment of the Crime of Apartheid as part of its national legislation. Accordingly, Iraq would respond favourably to any application for the extradition of a person accused of committing the crime of apartheid to any national judicial authority in any State party to the Convention or to an international tribunal established under the provisions of the Convention.

III. The role of legislation and the information media in the suppression of apartheid

(a) Details concerning legislative measures for the implementation of article IV (a) of the Convention have already been given in section I of this report, which contains the texts of all the legislative enactments under which the crime of apartheid is punishable. These enactments are designed to prevent the commission of any act of racial discrimination or segregation.

(b) Iraq attaches particular importance to the role played by information, culture and education in the suppression of racism.

1. In the educational sphere

With regard to paragraph 35 of the report of the Group of Three for the year 1985, we wish to make it clear that all Iraqi educational curricula, particularly in subjects such as civics, history, geography and literature, are based on a cultural and humanitarian approach that opposes and precludes racial discrimination in any of the subjects that are taught, with a view to bringing up a generation that will be free from the effects of the colonial eras during which racist tendencies were encouraged. Civics and history are subjects in which special attention is drawn to the question of racism, the threat that it poses to the international community and the manner in which it jeopardizes international peace and security since, by its very nature, it constitutes the worst form of colonialism.

2. In the cultural sphere

Iraq regards culture as a means of civilized dialogue among peoples on the basis of the fundamental principle of opposition to racism and support for the equality of peoples and their right to self-determination.

Accordingly, Act No. 94 of 1981, under which the Ministry of Culture and Information was established, stipulates that the objectives of the Ministry are: to revive the Islamic heritage; to foster knowledge of Arab civilization, including its origins, values, achievements and influence on other human civilizations; and to combat colonialist, Zionist, racist, reactionary, capitalist and chauvinistic tendencies in the cultural and artistic fields.

3. In the information sphere

Iraq regards information as an instrument for combating racism and promoting dialogue among peoples. The dissemination of racist ideology constitutes a punishable offence and, consequently, the press is not permitted to publish such ideology.

This policy is in keeping with the UNESCO Declaration on the role of information and culture in the prevention of racial discrimination.

Iraq firmly supports the international endeavours that have been made to strengthen the role of the information media in the struggle against racism through the establishment of a new international information order to replace the present order, which is impeding that struggle.

The information media provide news concerning the struggle against apartheid and express support for liberation movements throughout the world. The press publishes articles on occasions designated by the United Nations to commemorate the struggle against racial discrimination and apartheid.

The information media publish the texts of international conventions on the prevention of racial discrimination, such as the International Convention on the Suppression and Punishment of the Crime of Apartheid, in order to acquaint the public with the evil nature of racism and apartheid and encourage public participation in the international campaign to combat these phenomena.

IV. Implementation of the Security Council resolutions against the racist régime in South Africa

Iraq has diligently implemented, and is continuing to implement, all Security Council resolutions concerning the boycott of the racist régime in South Africa, with which Iraq maintains no diplomatic, economic, political or cultural relations.

Being strongly opposed to the minority régime in South Africa, Iraq does not permit its petroleum to be exported to that country and forbids Iraqi ships to use South African ports.

Iraq strongly condemns all forms of co-operation with racist régimes. We are referring primarily to the military co-operation, particularly in the nuclear field, between South Africa and the Zionist entity, which has been condemned by the United Nations in a number of resolutions.

Iraq has consistently opposed South Africa's use of mercenaries, whom it regards as common criminals and accomplices in the crime of apartheid. Those mercenaries should therefore be prosecuted before the judicial bodies referred to in the International Convention on the Suppression and Punishment of the Crime of Apartheid.

V. Iraq's support for African liberation movements

In accordance with its freedom-loving, humanitarian ideology, Iraq regards itself as an integral part of the world-wide liberation movement.

Our country is providing the African liberation movements with every form of material, moral and political support in order to enable the African peoples to exercise their right to self-determination and independence and put an end to colonial white minority rule in South Africa. In this connection, Iraq is diligently implementing all United Nations resolutions concerning support for African liberation movements.